UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/65/Add.12
15 March 2001

ENGLISH
Original : SPANISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Periodic reports of States parties due in 1997

PARAGUAY * **

[12 October 1998]

---

* For the initial report of Paraguay, see documents CRC/C/3/Add.22 and CRC/C/3/Add.47; for its consideration by the Committee, see documents CRC/C/SR.167, 168 and 385.

** The annexes may be consulted in the secretariat files.

Contents

		Paragraphs	*Page*
INTRODUCTION		1 - 74	3
I.	GENERAL MEASURES OF IMPLEMENTATION	75 - 170	13
II.	DEFINITION OF THE CHILD	171 - 228	34
III.	GENERAL PRINCIPLES	229 - 320	43
IV.	CIVIL RIGHTS AND FREEDOMS	321 - 427	56
V.	FAMILY ENVIRONMENT AND ALTERNATIVE CARE	428 - 624	70
VI.	BASIC HEALTH AND WELFARE	625 - 809	106
VII.	EDUCATION, LEISURE AND CULTURAL ACTIVITIES	810 - 964	160
VIII,	SPECIAL PROTECTION MEASURES	965 - 1304	187

INTRODUCTION

1. The country

1.1 The political background

1. Paraguay, an independent and unitary country in South America, has an area of 406,752 square kilometres and a population of about five million.

2. The State is organized on the basis of an Executive headed by a President of the Republic elected by direct ballot for a term five years, a Legislature (the National Congress) consisting of a 45-member Chamber of Senators and an 80-member Chamber of Deputies, and a Judiciary consisting of the Supreme Court of Justice and the courts established by law.

3. On 3 February 1989, after 35 years of military dictatorship, Paraguay began a democratic process which brought with it unprecedented and rapid structural changes.

4. The National Constitution, adopted on 20 June 1992, establishes a democratic and social State subject to the rule of law, with pluralist participation and political and administrative decentralization. Citizens enjoy the basic political and civil rights, including the freedoms of expression, the press and assembly; the restructuring of the political system has delivered free elections; the armed forces are being placed on an institutional footing; and the country is resuming its place in the community of nations, being a member of the Common Market of the Southern Cone (MERCOSUR) and of various other regional bodies such as the Rio Group.

5. The new structure of the Supreme Court of Justice, following the entry into force of the Council of the Magistrature Act, has produced an independent and pluralist Judiciary. This new Judiciary offers the possibility of a much more real and credible assertion of rights.

6. Special mention must be made of the Office of the Comptroller-General of the Republic, which does important work in the fight against impunity and corruption, deeply rooted features of the structure of the State and of society.

7. Where the improvement of services is concerned, the restructuring of the State, although slow and only partially implemented, has led to the introduction of programmes for the rationalization of procurement and human resources management, and of a new budgetary classification method and an integrated national accounts system.

8. In recent years Paraguay has made major progress in its juridical framework, both with the new Constitution, regarded as one of the continent's most modern and progressive, and with the production of legislation and key codes, such as the Labour Code, the Civil Code, the Electoral Code, the Criminal Code, and the Code of Criminal Procedure. In the case of the rights of the child, Paraguay has recently passed an Adoption Act, which is now under study in the Chamber of Senators, and a Juvenile Code. The exercise of the rights of the child[1] is not a matter solely of the capacity of the State to embody these rights in legislation; it also means giving effect to this legislation through supervision and controls.

---

[1] Translator's note: the Spanish text refers throughout to "children and adolescents" because in Paraguay's legislation a child as defined in the Convention (under 18) may be either a "child" (under 12) or an "adolescent" (12-18). See paragraph 173 below on the definition of the child in the new draft Children's Code. Except in direct quotations from Paraguay's legislation the English translation uses "child" throughout in the Convention's sense, which covers both Paraguayan possibilities.

9. In addition, since 1995 Paraguay has been carrying out, with the support of the Inter-American Development Bank, its project for the consolidation of democratic institutions. The aim of this project is to strengthen the relations between the three powers of the State in the coordination of strategic reforms.

10. Departmental development councils have been set up in order to encourage popular participation and initiatives in support of the local governments.

11. The political changes have brought about economic changes. Although some structural problems persist (for example, tax evasion and the fragility of the financial system), between 1992 and 1997 inflation was kept under control, exchange rates were unified, the public deficit and the foreign debt were reduced, interest rates were decontrolled, and per capita GDP was increased.

12. Paraguay occupies 85th place among the developing countries in the Human Development Index classification. The country has only recently recognized the problem of poverty as a political problem. A World Bank study shows that 17% of the population lives below the poverty line, a figure rising to 51% in rural areas.[2]

13. The Secretariat for Social Action was created in 1994 in an effort to respond to this challenge, and 1996 saw the formulation of the Strategic Plan for Social Action.[3]

14. On the international stage, Paraguay is a Member of the United Nations, the World Trade Organization, MERCOSUR, the Latin American Integration Association, and the Free Trade Area of the Americas, and it has signed agreements at the various world summits.

15. Where health is concerned, the Government adopted Act No. 1032/96 on the National Health System, which entrusts to the Ministry of Public Health and Social Welfare the function of coordinating health policy and creates a network for the decentralization of care and services based on departmental and district health councils.

16. This context has also seen the introduction of the "healthy townships" scheme, under which the lead groups are structured to include in some cases the participation of the Health Secretariat through the departmental and district councils and in others the participation of the local mayors and town councils.

17. A far-reaching Education Reform has been under way since 1995; it aims both to improve standards and increase access to education in all sectors and to modernize the administrative structure. This policy embodies one of the national targets for upgrading the country's human resources and one of the goals of the democratization process.

18. The Education Reform has begun to decentralize the administrative system in order to improve its efficiency and effectiveness. Although no substantial changes can be recorded in the indicators of the system's functioning in the initial stages of this process, it is important to note the possible improvements that may result from the education promotion and awareness campaigns, especially with

---

[2] UNDP, Human Development 1996; summary version of the World Report.

[3] World Summit for Social Development. Republic of Paraguay, National Report of the President of the Republic, 1996.

regard to teaching in the pupil's official mother tongue and the extension of the duration of basic education to nine years.

19. Characteristic of the poor performance in primary education are the low retention rates, mainly in the first three grades and at the end of the primary cycle, and the high rates of drop-outs and repeated years, which vary throughout the cycle. These problems will be the most difficult to overcome, for success will require both improvement of the educational variables, such as basic infrastructure, supply of teaching materials, and training of teachers, and improvement of the non-educational variables, such as the quality of children's diet, the support for schooling provided by the family, the supply of equipment, learning conditions outside school, etc.

20. The main axis of the new legal framework designed to support the Education Reform is the new General Education Act, which regulates the innovations introduced in the 1992 Constitution. The Act establishes the criteria of comprehensiveness and permanence within the framework of a community's culture, including the following objectives:

(a) strengthening of pre-primary education;

(b) eradication of illiteracy;

(c) work training with a view to improving technical and vocational education;

(d) non-discrimination in education;

(e) freedom of education;

(f) the right to religious education and to ideological pluralism in education as means of eliminating discriminatory and authoritarian practices that have been features of the curriculum over the last 50 years;

(g) assignment of responsibility first to society as a whole and then to the family, the municipality and the State, and the State's responsibility to promote programmes on food supplements and provision of school materials for poor children;

(h) nine years of compulsory free basic education;

(i) the participation of the education community in the organization of the education system - public, private, in-school and out-of-school;

(j) the obligation to ensure teaching in the pupil's official mother tongue and instruction in the country's two official languages;

(k) promotion of technical education;

(l) promotion of sports; and

(m) a minimum budget of not less than 20% of the total budget allocated to the central administration.

1.2 The economic background

21. The economic model of the 1970s and 1980s, based on the expansion of the farming frontier, mainly eastwards, and on big investments in hydroelectric works, which gave a powerful boost to the construction sector, went into decline from the early 1980s, a decline which worsened until the institutional changes of 1989.

22. The economic structure of agriculture was excessively dependent on only two products (soya and cotton); industry and construction were stagnating; and there was a damaging increase in informal trade with neighbouring countries.

23. In the public sector the State was taking action in areas belonging to the private sector, mainly through public enterprises; revenue collection declined owing to the obsolete and poorly structured taxation system; fiscal deficits occurred; social expenditure and investment fell; current expenditure rose; and large arrears accumulated in the external debt. The result was a deterioration in the country's social conditions, mainly in areas such as health, education and housing.

24. In the external sector the lengthy reign of the growth model based on the export of raw materials caused a deterioration in the balance of payments and rapid growth of informal trade and unrecorded transactions.

25. Lastly, the monetary and financial sector was inefficient, oligopolistic and secretive. Negative interest rates discouraged saving and eroded investment because of the scarcity and high cost of money, as well as making it difficult to control inflation properly.

26. The decision to introduce an economy governed by the rules of the market entailed the establishment of a free exchange rate, the decontrol of interest rates, internal trade liberalization, and integration in the international economy. At the same time, mechanisms were introduced to protect and compensate the social sectors most seriously affected by the economic adjustment measures.

1.3 The social background

27. Paraguay's social development policies have three main focuses:

(a) access to social services;

(b) reducing poverty and increasing social integration; and

(c) creation of productive jobs.

Emphasis is also given to improving social organization and participation in order to reconcile and coordinate the activities of the various actors in the quest for responses to their demands.

1.3.1 Employment and incomes

28. The present employment situation can be described in terms of the information obtained in the 1996 household survey of private dwellings in all urban areas of the country except the departments of Alto Paraguay and Boquerón.

29. These urban areas have a population of 2.7 million persons, 1.5 million of whom - i.e. more than half - live in Asunción and the urban Central Department.

30. The employment rate among the urban population aged 10 years or older was 64.8% in 1995, falling to 63% in 1996. The open unemployment rate was 5.3% in 1995 and rose to 8.2% in 1996, affecting mainly females.

31. The proportion of households headed by women in Asunción was 26.6% in 1995 and 34.3% in 1996, representing the biggest increase in these urban areas. Gender inequality is reflected in wages: men are paid more than women for equal work.

32. The average monthly per capita income in urban areas was $150 in 1995 and $250 in 1996.

33. It is estimated that in the formal sector of the economy women are paid only 70% of the wages paid to men. This gap widens substantially when independent farm workers are taken into account: women get only 48% of the incomes obtained by male farmers. It is estimated that in rural areas three quarters of workers work on family farms.

34. The informal sector includes workers employed in low-productivity tasks not subject to the labour regulations. These workers are not protected by the regulations and do not have access to the social security system. At the national level in 1996, roughly 63% of workers did not have such access, as compared with about 70% in 1992. Many of them were own-account workers and migrants from rural areas.

35. According to the 1996 household survey, workers in the informal urban sector accounted for 46% of the total employed population and 32% of them lived in the urban Central Department, 18% in Asunción, and the rest in other urban areas.

1.3.2 Poverty

36. Paraguay has many studies which make reference to poverty. The most recent was produced by the Directorate-General for Statistics, Surveys and Censuses; it sought to assess the extent of the problem and establish from the 1992 census data the geographical location of households with unsatisfied basic needs. Such needs are defined as the set of physical, mental and cultural requirements whose satisfaction is a necessary condition for the functioning and development of human beings in a given society.

37. The study chose four subsets of indicators to measure the unsatisfied needs: quality of housing, health infrastructure, access to education, and subsistence capacity.

38. The infrastructure and services deficits in rural areas, as compared with urban ones, are aggravated by geographical isolation. In addition, the production system - severely limited by the type and quantity of productive resources available to rural dwellers, the poor coordination of the products and inputs markets, the scant use and command of technology, and the meagre supply of capital and credit - results in ever decreasing income levels.

39. There is in fact a close correlation between rural poverty and the small size of the farms. Various estimates put the area required for a peasant family to generate enough income for survival at between 10 and 20 hectares.

40. Paraguay is predominantly a country of farms and forests. Rural areas have 49.5% of the total population, 8% living in towns of fewer than 25,000 inhabitants. There is a structural imbalance between large estates with extensive land use and smallholdings (90% of all farms but with only 8.3% of the farmed area) which have no access to credit or new technology.

41. At present only one in three of the children living in rural areas complete their primary education and few continue to the secondary level.

42. The growth of poverty is due largely to the lack of opportunities for the rural poor living in expulsion zones, and this factor prompts them to migrate to the towns. The estimates show that two thirds of the urban poor are migrants from the countryside.

43. Urban unemployment, underemployment and informal employment tend to generate marginalized groups and the conditions for erosion of security.

44. According to the 1992 census, the country's urban areas contained 451,948 households with a total population of 2,061,536. At least one unsatisfied basic need was found in 59.9% of these households.

45. According to the four poverty indicators, the number of such needy households is tending downwards at the national and urban levels. The health infrastructure indicator shows an improvement, for the number of families lacking access to health services has fallen by about 50%.

46. The access to education indicator has shown the least improvement, with the number lacking access falling from 14.7 to 13%.

1.3.3 Social integration and vulnerable social groups

47. Social integration means equal access for the whole population to the benefits of economic growth and social policy. The main factors of social integration relate to the urban/rural context, age, sex, and ethnic status.

48. **Street children** engage in various forms of child labour from a very early age in different areas of the economy, although not all of the modalities are recorded. Child labour is used mainly in the primary sector (57.7%), followed by the tertiary (30%) and the secondary (10.7%). In urban areas a few of them are employed in the labour market in production work, in poor conditions, with little or no remuneration, and without any social security cover.[4]

49. Many children and young people are affected by conditions of poverty; this leads to social marginalization and exacerbates the problems of violence, crime, drug addiction, and cultural disintegration.

50. **Elderly adults** make up 4% of the country's population. This group is important from the social standpoint because of its great vulnerability and increasing dependence on the other strata of society. It has poor cover with respect to health care and social services.

51. The **disabled population** is estimated at 10% of the total; for the whole country this means 373,000 persons with slight or moderate disabilities and 124,300 with severe disabilities. The latter group requires urgent specialized care owing to their impact at the individual, family and community levels.

52. The **indigenous population** is estimated at 1% of the total; it is the neediest and worst-served social group. Seventeen ethnic groups belonging to five main linguistic families are recognized; over the past 25 years they have seen their living conditions deteriorate, for reasons connected with changes

---

[4] Céspedes, Roberto, Trabajo infanto-juvenil severo en el Paraguay, 1995.

in the spatial distribution of the population and in the use and ownership of habitat, as well as with deforestation and other factors.

53. The National Indigenous Institute, together with private and church bodies, carries out programmes to improve the situation of the indigenous communities.

54. The **status of women** is another area where inequality is manifest in Paraguayan society, as can be seen from the following figures: six out of every 10 illiterate persons are women; there are about 100 maternal deaths for every 100,000 live births; about one fifth of households are headed by women; the membership of the National Congress is 94.4% male and only 5.6% female; and the Executive has only one woman minister.

55. Despite important progress with respect to equality of opportunity, there persist situations of discrimination against women in the various spheres of their family, professional, social and political lives.

1.3.4 Access to social services

56. The people's access to services in education, health, nutrition, environmental health and housing is a direct determinant of its welfare. The relevant social indicators provide information which supplements the poverty statistics and helps to describe the country's level of social development.

57. The **education sector** has a broad cover at the primary level, reaching 91% of the population aged seven to 12 years in 1992. There are big geographical differences in access to education: in Asunción, 92% of this age group attend school, while in departments such as Canindeyú the figure is only 70%. The illiteracy rate ranges from 3.45% in Asunción to levels of over 20% in the Chaco.

58. The primary cover rose by 22.8% in 1991-1996, but with wide differences between urban (29.3%) and rural (17.6%) areas. The repeated-year rate rose from 8.8 to 9.1% in the same period, with higher levels in the public sector.

59. There are large deficits in the people's access to **water and sanitation** services. A drinking water supply was available to 34.55% of the country's total population, with big differences between urban (59.79%) and rural (4.83%) areas.

60. Sewerage connected to a private or public system was enjoyed by 10.31% of the whole country, representing 19.01% of the urban and 0.06% of the rural population. Most rural dwellers use communal latrines.

61. According to the 1992 census data, 21.2% of households had a refuse collection service; 40.9% of these households were in urban and 0.1% in rural areas. The other households disposed of their refuse by burning or burial or dumping in ditches, streams or the street.

62. Joint efforts are currently being made at the departmental, municipal and community levels to improve environmental conditions. Municipal orders and other regulations have been issued, and programmes and projects are being carried out in this area.

63. Paraguay is faced by increasing environmental degradation which may worsen dramatically over the next few years.

64. Deforestation and the incorporation of new land for agriculture, together with the use of unsuitable technology and harmful cultural practices, have contributed to the degradation of natural resources.

65. Attempts are being made to ease the impact of this environmental degradation by incorporating an environmental component in public investment programmes and projects and through the adoption of a new legal framework for the protection of Paraguay's environment.

1.3.5 The social security system

66. The social security system consists of the Social Security Institute and seven independent funds (Government Fund, Railways Fund, Municipal Fund, Banking Fund, Parliamentary Fund, ANDE Fund and ITAIPU Fund), which offer their members old-age, disability and survivor's benefits but in only a few cases benefits in respect of incapacity to work, accidents, illness or maternity. The Government Fund provides some non-contributory benefits (pensions for veterans of the Chaco War and grace-and-favour pensions). However, there are no unemployment insurance programmes.

67. In 1996 these institutions had about 305,910 active members,[5] representing some 18% of the economically active population.[6] When all beneficiaries, including non-active members and family members, are taken into account, the total number of persons covered by social security rises to about 1.5 million, or 31.5% of the total population; this rate of cover is one of the lowest in Latin America. One of the main reasons for the low rate of cover is widespread evasion by employers, estimated at about 80%.[7]

68. From the financial standpoint, the benefits offered by the Government, Railways and Parliamentary Funds exceed the contributions received, and the resulting deficit is covered by the Treasury.

69. Analyses of Paraguay's social security situation have been produced under the Sectoral Investment Programme, together with proposals for reform designed, according to the operations plan[8] contained in the loans contract between the Republic of Paraguay and the Inter-American Development Bank, to introduce in the country a private system of individual capital accumulation for pension benefits and disability and survivor's insurance.

70. Draft legislation has been produced for the regulatory framework for the retirement benefits and pensions system; care has been taken to ensure that this system will be modern and efficient and guarantee a dignified old age and the necessary economic security for those in need. An action plan has also been drawn up for the establishment of a system for individual capital accumulation and funding of the economic benefits of non-active members of the earlier system, in order to comply with the provisions of Act No. 281/93.

---

[5] According to data from the various social security funds.

[6] In 1996 the economically active population was estimated at 1,685,950 (DGEEC/STP).

[7] Report of the consultant Amparo Cruz Saco produced for the Sectoral Investment Programme, Ministry of Finance, 1994.

[8] Sectoral Investment Programme, operations plan.

1.3.6 The need for a social policy

71. Paraguay exhibits major shortcomings in tackling poverty and providing social services, as well as in the other areas of social integration. Traditional social policy had no vision of economic and social development and entailed an incapacity to generate incomes and satisfy the basic needs of society's most neglected groups.

72. In October 1996 the national Government produced the Strategic Social Development Plan, which seeks to act on the recommendations of the world summits on environment and development, human rights, population, women, social development, etc.

73. The Plan has two main focuses: (1) "to expand the economic opportunities of the population, especially of persons living in poverty"; and (2) "to provide social services that will boost people's productive capacities and satisfy their most basic needs: education, health, food and housing".

2. The preparation of the report

2.1 Methodology

74. The technical team of the Directorate-General for Human Rights of the Ministry of Justice and Labour, which was responsible for the preparation of this report, began its work in the first fortnight of December 1998 at meetings for the study and evaluation of the questionnaire and other related reports. The team decided to hold a strategic planning day, at which it examined and took decisions on the following topics:

2.1.1 Scope of the report, by area and sector.

2.1.2 Methods to be used.

2.1.3 Institutions to be consulted.

2.1.4 Persons to be interviewed.

2.1.5 Design of methods: working meetings to research and locate up-to-date recorded information by thematic area; preparation of questionnaires by sector; visits to institutions in the capital and the interior; personal interviews.

2.1.6 Preparation of questionnaires to be sent to governmental and non-governmental organizations for the collection of data.

2.1.7 Timetable for trips to the interior.

2.1.8 Programming of working meetings with representatives of governmental and non-governmental organizations.

2.1.9 Allocation of tasks within the team.

2.1.10 Compilation of the documents to be used, such as copies of the various codes, acts, institutional reports, etc.

2.1.11 Reading and study of all the information collected and comparison of data.

2.1.12 Processing of this information and drafting of the report.

2.1.13 Presentation and consideration of the first draft with representatives of governmental and non-governmental organizations at a workshop held on 22 and 23 June to enable these representatives to offer their comments, corrections and other inputs.

2.1.14 Presentation of the second draft at a meeting on 16 July incorporating the corrections made at the first workshop.

2.1.15 Last-minute corrections and drafting of the final report.

2.2 Successes and difficulties

2.2.1 One fundamental advantage was the firm and coordinated support received from the outset from UNICEF-Paraguay: at all times it provided valuable collaboration, both at the data-collection stage and during the processing of the data and the subsequent drafting of the report.

2.2.2 An interinstitutional space was created with representatives of governmental and non-governmental organizations, which spared no effort in their collaboration during the data-collection stage.

2.2.3 The drafting of the report required visits to institutions both in the capital and in the interior of the country to gain first-hand knowledge of the true situation in these institutions. The following institutions were visited:

(a) Attorney General's Office, juvenile courts, children's homes.

(b) Branches of the National Centre for the Protection of the Rights of the Child (CENADI): 13 in districts of the Central Department, one in Coronel Oviedo, one in Ciudad del Este, and one in Villa Hayes.

(c) Prisons:

  (i) In Asunción: Casa del Buen Pastor and Coronel Panchito López reeducation institute.

  (ii) In the interior: the prisons at Encarnación, Misiones, Villarrica, Ciudad del Este and Coronel Oviedo.

2.3 Difficulties

2.3.1 One of the first difficulties encountered was the complexity of the questionnaire, in particular the requests for information about statistical variables which is not available in Paraguay and the repetitiveness of the questions, which in some cases are hard to understand owing to their lack of clarity.

2.3.2 The time allocated for the preparation of the report (December 1997 to May 1998) coincided with a national political situation which made the daily work difficult; in addition there were the end-of-year festivities and then the summer holidays. For these reasons little or nothing could be done during December, January and February, so that the requested information was not received on time and the drafting period was considerably reduced.

3. Recommendations

3.1 Adaptation of national legislation, taking as the basis the principles set out in the Convention on the Rights of the Child, within the framework of the system of comprehensive protection.

3.2 Provision of machinery to streamline the examination and approval of the draft Children's Code, currently under consideration in the Chamber of Senators.

3.3 Creation of a central authority exclusively for the defence and protection of the rights of the child which would work in coordination with NGOs and international aid agencies.

3.4 Establishment of machinery to streamline the reform of the prisons system, in particular the introduction and effective implementation of a rehabilitation programme for young offenders.

3.5 Implementation of information, awareness and publicity campaigns on the rights of the child for the public at large but especially among vulnerable groups and foreign minorities.

3.6 Coordination with the Ministry of Education and Worship of the implementation of a training programme on the Convention on the Rights of the Child for primary and secondary teachers.

I. GENERAL MEASURES OF IMPLEMENTATION
(articles 4, 42 and 44, para. 6, of the Convention)

11. In the spirit of the World Conference on Human Rights, which encouraged States to consider reviewing any reservation with a view to withdrawing it (see A/CONF.157/23, II, paras. 5 and 46), please indicate whether the Government considers it necessary to maintain the reservations it has made, if any, or has the intention of withdrawing them.

75. Having considered the scope and magnitude of the Convention on the Rights of the Child in terms of its applicability, the Republic of Paraguay has not entered any reservations.

12. States parties are requested to provide relevant information pursuant to article 4 of the Convention, including information on the measures adopted to bring national legislation and practice into full conformity with the principles and provisions of the Convention, together with details of:

- **Any comprehensive review of the domestic legislation to ensure compliance with the Convention;**
- **Any new laws or codes adopted, as well as amendments introduced into domestic legislation to ensure implementation of the Convention.**

76. The following national instruments are available for the purpose of reviewing domestic legislation and ensuring its compliance with the Convention:

(a) Adoption Act (No. 1136/97), passed on 22 october 1997;

(b) Criminal Code (Act No. 1160/97 of 26 November 1997), which enters into force on 1 November 1998;

(c) Code of Criminal Procedure, adopted by the National Congress on 26 May 1998;

(d) Draft Children's Code. At the time of writing, this document is under consideration in the Chamber of Senators of the National Congress.

13. Please indicate the status of the Convention in domestic law

77. Article 137 of the Constitution ("On the supremacy of the Constitution") states:

> "The Constitution is the supreme law of the Republic. The Constitution, the international treaties, conventions and agreements that have been approved and ratified by the Congress, the laws adopted by the Congress, and other related legal provisions of lesser rank make up Paraguay's corpus of positive law, in the order of priority in which they appear above.
>
> Anyone who, in disregard of the procedures established in this Constitution, attempts to change this order shall be committing the crimes characterized and punishable by the law.
>
> This Constitution shall remain in force and shall continue to be observed notwithstanding any act of force or any act of derogation by any means other those provided herein.
>
> Any measure or act by any authority which is at variance with the provisions of this Constitution shall be invalid".

This order of priority has been established in accordance with the Kelsen Pyramid and, as stated, in the event of a conflict with domestic legislation the supremacy of the Constitution prevails, followed by the Convention and then by acts and other decrees and/or resolutions.

- **With respect to recognition in the Constitution or other national legislation of the rights set forth in the Convention**

78. The Constitution, the Criminal Code, the Code of Criminal Procedure and the Adoption Act state the principles of the Convention.

- **With respect to the possibility for the provisions of the Convention to be directly invoked before the courts and applied by the national authorities**

79. Publicity and awareness campaigns on the Convention and the need for it to be implemented have been organized through NGOs; copies of the Convention have been distributed and, especially in recent years, it has been the subject of training days for professional and technical personnel responsible for its application. There are still some professionals, such as judges in the interior of the country, lawyers and police officers, who are unaware that the Convention is part of positive law; as a result very little use is made of it in the defence of cases.

80. The national authorities are more aware of the Convention, for it is often invoked in various agencies of the Executive, such as the Directorate-General for Human Rights, the Ministry of Foreign Affairs, the Ministry of Public Health and Social Welfare, the Ministry of Education and Worship, the Office of the First Lady, the Secretariat for Women, the Technical Planning Secretariat, the Secretariat for Social Action, and the Judiciary through the juvenile courts and juvenile attorneys. The Legislature uses the Convention as the basis for the preparation of legislation in this area, such as the Adoption Act and the draft Children's Code, and it is also used in connection with plans, policies, agreements, projects and programmes.

- **In the event of a conflict with national legislation.**

81. In the event of such a conflict the order of priority established in the Kelsen Pyramid is observed, as explained above.

14. In the light of article 41 of the Convention, please indicate any provisions of the national legislation which are more conducive to the realization of the rights of the child.

82. The following domestic legislation is the most conducive to the realization of the rights of the child: the Constitution, the Civil Code, the Criminal Code, the Code of Criminal Procedure, and the Adoption Act.

15. Please provide information on judicial decisions applying the principles and provisions of the Convention.

83. Since the draft Children's Code is still under consideration, the Juvenile Code (Act No. 903/81) remains in force. The courts apply both the provisions of this Code and the principles of the Convention.

84. The judicial decisions most often applying the principles and provisions of the Convention are those connected with the suppression and elimination of physical or mental abuse, safety, discrimination of any kind and adoption, but mainly rulings in legal disputes concerning the registration of a child immediately after birth in the Civil Register, which account for a high proportion (about 60%) of the cases in question.

16. Please provide information on remedies available in cases of violation of the rights recognized by the Convention.

85. Article 54 of the Constitution states specifically:

> "The family, society and the State have an obligation to ensure children's harmonious and comprehensive development and the full exercise of their rights, protecting them against neglect, malnutrition, violence, abuse, trafficking and exploitation. Anyone may require the competent authority to enforce these guarantees and punish violators. In the event of a conflict, the rights of the child shall prevail."

86. Even this means of protection is little used in practice. At present, complaints by family members, neighbours and other third parties are accepted in connection with acts of violence in or outside the family and any other kind of abuse. There are no legal regulations guaranteeing and protecting the rights of the child in this respect.

87. Most such complaints are received by the Attorney-General's Office.

88. In some cases there are no clear remedies or procedures for carrying out a detailed investigation and proper follow-up of the complaints received. There are other organizations, such as the National Centre for the Protection of the Rights of the Child (CENADI), the Community Centre for the Protection of Children (CECODIN), and the Commission on the Rights of the Child (CODENIS), which provide initial care before referring the children to other agencies; there are also NGOs working in this field.

89. There is nevertheless a need to devise and establish a clear coordination procedure, to be followed from the initial receipt of the complaint, for looking after the victim and other family members, exhaustive investigation, and follow-up and enforcement of any measures.

17. Please indicate any steps taken or envisaged to adopt a comprehensive national strategy for children in the framework of the Convention, such as a national plan of action on children's rights and relevant goals established.

90. Paraguay has a National Plan of Action for Children (PNAI), which emerged in December 1991 as a result of the commitment undertaken by the Government at the United Nations World Summit for Children in New York in September 1990.

91. The institutions and organizations which currently make up the Coordinating Committee for the Paraguay-UNICEF Cooperation Programme took part in the formulation of the PNAI: the Ministries of Public Health and Social Welfare, Education and Worship, Agriculture and Livestock, and Justice and Labour; the Technical Planning Secretariat; Pastoral Social/Catholic Church; the Paraguayan Doctors' Circle; the Paraguayan Paediatrics Society; and the National Council of Charities.

92. The fundamental aim of this National Plan is to "ensure the survival, protection and development of children and mothers". It is proposed to this end that an integrated set of programmes should be carried out by means of concerted action by the public sector, NGOs, the national community, and international aid agencies, in order to achieve the following targets:

(a) To reduce infant and maternal mortality;

(b) To reduce severe and moderate malnutrition;

(c) To increase access to drinking water and to health services;

(d) To consolidate and expand enrolment and retention in basic education;

(e) To reduce the adult illiteracy rate;

(f) To protect children in difficult circumstances.

93. The PNAI established to this end global, ten-year and interim targets, which will have to be brought into conformity with the commitments entered into as a result of the monitoring of national plans at the international level.

94. The following governmental agencies are responsible for implementing the PNAI: Ministry of Public Health and Social Welfare, Ministry of Education and Worship, Ministry of Agriculture and Livestock, Ministry of Justice and Labour, Technical Planning Secretariat, Secretariat for Social Action, Secretariat for Women, Pastoral Social, National Centre for the Protection of the Rights of the Child, and Commission on the Rights of the Child.

95. There is a lack of coordination here between word and action, for no single institution is responsible for the Plan's implementation. This means that the PNAI does not have its own resources and that its initiatives are "one-off" and lack proper follow-up.

96. For example, the PNAI does not have a clear policy on where to direct the joint activities for street children. One symptom of this is that the Directorate-General for the Protection of Juveniles,

which is the State agency currently responsible for all matters relating to children, is not involved in the PNAI.

97. The PNAI has tended to expand to cover all the aspects of the Convention. In this connection there is a current programme called "Convention on the Rights of the Child: National Plan of Action for Children and Social Policies"; this programme's counterpart is the Technical Planning Secretariat supported by UNICEF. There is a plan for a pilot local development project in four districts of the country: Belén (Concepción), Repatriación (Caaguazú), Santa Rosa (Misiones), and Luque (Central); this project takes a comprehensive and integrated approach based on the rights of the child and seeks to formulate with these districts a municipal plan of action for children having the following goals:

- To develop an intervention methodology which allows the active participation of the various social actors and each community in the identification and ranking of the needs and resources envisaged in the PNAI;
- To hold working meetings, workshops and conferences with the departmental PNAI committees and the local authorities of the four chosen districts;
- To establish a procedure for monitoring and evaluating the successive stages of project execution so as to facilitate timely adjustments to ensure the success of the projects;
- To ensure permanent monitoring, including visits to the committees in their respective localities, coordination of activities, and evaluation in the required areas;
- To hold three workshops for an exchange of experience among the PNAI departmental committees;
- To promote the creation of local databases for the projects and other activities carried out by the departmental committees in the six PNAI programme areas;
- To produce periodic progress reports on the functioning of the committees;
- To continue dissemination and training work in connection with the PNAI;
- To hold awareness workshops in six departments of the country (Concepción, San Pedro, Neembucú, Cordillera, Itapúa, Caaguazú, Canindeyú);
- To keep the institutions members of the National Coordinating Committee regularly informed about the PNAI publicity and monitoring work;
- To reprint the summary PNAI leaflet, incorporating updated information on progress towards the targets;
- To publish an information leaflet on the PNAI targets by department;
- To train members of the departmental committees in the formulation and evaluation of social projects, within the PNAI framework;
- To hold four training workshops on social projects for members of the departmental committees;
- To monitor the committees' application of the knowledge acquired; and

- To compile a directory of national and international bodies, public and private institutions, NGOs, etc., through which resources for execution of the committees' projects can be channelled.

98. This National Plan will be coordinated by a single agency and executed through a nation-wide system, provided that the draft Children's Code is adopted during the current legislative session.

18. Please provide information on existing or planned mechanisms at the national, regional and local levels, and when relevant at the federal and provincial levels, for ensuring implementation of the Convention, for coordinating policies relevant to children and for monitoring progress achieved, including information on:

- **The governmental departments competent in the areas covered by the Convention, the steps taken to ensure the effective coordination of their activities, as well as to monitor the progress made by them**

The following governmental departments are competent in the areas covered by the Convention:

Under the Ministry of Health and Social Welfare:

1. Santa Teresita Children's Home
2. National Home for Children and Old People
3. Itaguá National Hospital
4. Barrio Obrero Hospital, No. 2 Health Centre
5. Outpatients Department of the paediatrics faculty, Clinical Hospital
6. Local district mother and child hospitals: San Pablo, Fernando de la Mora, Santísima Trinidad, and Loma Pytá
7. San Lorenzo and Caacupé regional hospital
8. Health region XIII, Amambay Department
9. Children's Department, Directorate-General for Social Welfare
10. National Centre for the Protection of the Rights of the Child

Under the Ministry of the Interior:

1. National Police: San Francisco de Asís children's home
2. National Police: Family Department
3. National Police: Minors Division

Under the Ministry of Justice and Labour:

1. National Children's Home

Under the Judiciary:

1. Attorney-General's Office: Department for Assistance to Victims of Crime
2. Juvenile Correctional Court, Second Rota
3. Judiciary Investigation Centre

Under local governments:

1. Community Centre for the Protection of Children, Asunción municipality
2. Council on the Rights of the Child, Luque municipality
3. Council on the Rights of the Child, Pedro Juan Caballero municipality

Under the Executive:

1. Secretariat for Women of the Office of the President of the Republic

99. Only in the area of "child abuse" is there any coordination of the work of these institutions - in the National Network against Child Abuse, which is headed by the National Centre for the Protection of the Rights of the Child (CENADI) with UNICEF support and in collaboration with NGOs; the Network operates under the UNICEF Plan of Action 1997-1998 and directs the efforts towards the provision of services connected with prevention of abuse and care for victims of abuse. This Network and its institutional space have been functioning since 1997 and represent a vital initiative in this field; it is to enlarge this space by creating regional agencies undertaking some activities at the regional and district levels for the protection and advocacy of the rights of the child.

- **The steps taken to ensure effective coordination of activities between central, regional and local authorities, and where relevant between federal and provincial authorities**

100. The National Plan of Action for Children (PNAI) provides for coordination of the activities of the central and regional authorities responsible for implementation: Ministry of Public Health and Social Welfare, Ministry of Education, Ministry of Agriculture and Livestock, Technical Planning Secretariat, Secretariat for Social Action, Secretariat for Women, Pastoral Social, National Centre for the Protection of the Rights of the Child (CENADI) of the Ministry of Public Health and Social Welfare, Commission on the Rights of the Child, and UNICEF.

101. The PNAI Committee meets in principle once a year to choose the body which will coordinate the activities. The current coordinator is the Secretariat for Women. The Committee's meetings are of an informational nature.

102. Being an interinstitutional body, the Committee lacks a dynamic and streamlined system for carrying out its actions. This difficulty is probably due both to the multiplicity of the responsibilities of the officials representing the institutions working together under the PNAI and to changes in the holders of the posts in question either through promotion or for other reasons. On top of this there is the national political situation prevailing since mid-1997, which undoubtedly affects all activities in the

country. Other problems are that the PNAI has not got its own budget allocation to finance its social agenda and that its objectives and scope are poorly publicized in both the public and private spheres.

- **Any governmental institutions created to promote the rights of the child and monitor implementation, and how they relate to non-governmental organizations**

103. The National Centre for the Protection of the Rights of the Child (CENADI), an agency of the Ministry of Public Health and Social Welfare, was created to protect and advocate the rights of the child in coordination with governmental and non-governmental organizations. Full information about CENADI was given in previous reports to the Committee on the Rights of the Child.

- **Any independent body established to promote and protect the rights of the child, such as an Ombudsperson or a Commissioner**

104. There is no ombudsman for children, but there are juvenile attorneys attached to the Public Prosecutor's Office who perform ombudsman functions with respect to reporting of abuses, maintenance orders, custody, return of children, precautionary measures, correctional measures, child abuse, reporting of sexual exploitation, and emergency measures.

- **The measures taken to ensure the systematic gathering of data on children and their fundamental rights and to assess existing trends at the national, regional and local levels, and where appropriate at the federal and provincial levels, as well as the steps taken to develop mechanisms for the identification and gathering of appropriate indicators, statistics, relevant research and other relevant information as a basis for policy-making in the field of children's rights**

105. In 1995 the Technical Planning Secretariat, which reports to the Executive, created a database to monitor the PNAI; this exercise includes the systematic collection and recording of information and the selection and design of statistical indicators for the principal areas of action: health, education, demography, economics and poverty, children in difficult circumstances, and study of indigenous peoples; the information is disaggregated by region, sex, age, and level of education. This computerized database will also be used in the production of national analyses on this subject and in the formulation of public policies. It was formally inaugurated this year.

106. There are other relevant annual reports: the report of the Attorney-General's Office on the situation in the prisons (annexed to this report); the report of the Directorate-General for Statistics, Surveys and Censuses, etc.

107. In addition, under a joint agreement the Public Prosecutor's Office, UNICEF and Global Infancia have created this year a computerized database on children taken abroad, with a view to preserving their identity. In furtherance of the best interests of the child this database allows such children and their biological and adoptive families to have due access through a modern computerized system to information contained in official records. More details are given below in the section on adoption under general guideline 85.

108. The United Nations system is creating a database of social indicators, which covers the rights of the child.

- **The steps taken to ensure a periodic evaluation of progress in the implementation of the Convention at the national, regional and local levels, and where appropriate at the federal and provincial levels, including through the preparation of any periodic report by the Government to the Parliament.**

109. The Executive presents an annual report to the National Congress based on the reports received from the various State ministries. This report constitutes a summary of the Government's work and highlights the successes achieved by the agencies of the public administration in the following areas: macroeconomic context, sustainable development, social action, security and defence, globalization and decentralization, and international technical cooperation.

110. In each of these areas attention is drawn to the situation of children in Paraguay and to the progress achieved by the Government in the context of the Convention.

111. There are also reports from the Attorney-General's Office on the situation in the prisons, from the Directorate-General for Statistics, Surveys and Censuses, and from UNICEF.

112. The various ministries have their own statistics offices, which provide a picture of the rate of progress as compared with previous years. The Health Ministry, for example, assesses the rates of infant mortality and vaccination, and the Ministry of Education and Worship determines the school enrolment and drop-out rates, etc.

19. Please indicate any initiatives taken in cooperation with the civil society (for example, professional groups, non-governmental organizations) and any mechanisms developed to evaluate progress achieved.

113. For the 1997/1998 financial year the Secretariat for Social Action has a total of seven million dollars to finance projects to be executed jointly with NGOs for the benefit of the most needy children and young people. The main projects approved as of 29 December 1997 include:

- Repair of the surgery and delivery room for 601 rural beneficiaries in Cordillera Department; $113,888.
- Construction of seven schools in San Pedro Department for 240 rural beneficiaries; $36,913.
- Three health posts for 240 rural beneficiaries in the same department; $45,583.
- Schools for 160 indians in Guairá; $43,255.
- Schools in Alto Paraná for 218 indians; classroom equipment for basic education and literacy; $77,628.
- Three preschool classrooms and bathrooms in Cordillera Department for 300 rural children; $82,704.
- Completion of five classrooms for 300 children in Central Department; $40,460.
- Completion of a special school in Concepción for 100 disabled children and young people; $51,941.
- Playground equipment at the Santa Lucia school for the blind (Asunción) for 100 children; $15,784.

Projects approved as of June 1998

- Education in the street. Leaders, materials, for 140 child street workers in Asunción; $36,679.

- Day centre. Support for school attendance back-up programmes, work with families, for 170 child street workers; $71,953.

- Restructuring and equipment of facilities, expansion of school attendance back-up services, for 200 street workers in Asunción; $30,752.

- Completion of premises for the Education and Rehabilitation Centre for Exceptional Children, special school No. 9; construction of classrooms, carpentry workshop and lavatories, for 100 disabled children in Concepción; $54,647.

- Construction of henhouses, training, and upgrading of health and nutrition, for 100 child street workers in Central Department; $30,752.

- Improvement of primary education for the indigenous population, equipment and drinking water supply for the indigenous school, for a total of 475 beneficiaries in Boquerón; $92,900.

- Improvement of education and health, equipment of two classrooms, teaching materials and lavatories in indigenous communities in Guairá, for a total of 160 beneficiaries.

- Promotion of school attendance. School attendance back-up, wages and work materials, for 60 child street workers in Asunción.

- Improvement of training services for pupils at the special school, construction of a classroom, a rehabilitation room and lavatories, for 137 disabled children in Amambay.

- Upgrading of services and expansion of the care cover at the Santa Catalina children's home, and completion of the building, for 80 vulnerable children in Alto Paraná.

- Expansion of the shelter service for homeless girls, to benefit 40 girl street workers in Guairá.

- Strengthening of production programmes, construction of hostels, for 235 child street workers in Asunción; $30,752.

- Substitution of begging with babies by an alternative economic activity, training, support, for 140 child street workers in Asunción.

- Training in alternative work, wages and work materials, for 31 children in Cordillera.

- Upgrading of educational facilities, construction of three preschool classrooms and lavatories, for 300 rural children in Cordillera.

- Upgrading of educational facilities in the municipal school, completion of five classrooms, equipment and upgrading of lavatories, for 300 rural children in Cordillera.

- Improvement of the education service, construction of kitchen and dining room close to the school, and training, for 284 rural beneficiaries in Caaguazú.

- Strengthening of the Council on the Rights of the Child, human resources, equipment and expansion, for 50 child street workers in Asunción.

- Improvement of living and sanitation conditions in the Paí Pucú girls' home, construction of dormitory and lavatories in the home, for 130 beneficiaries in Presidente Hayes.

- Reduction of overcrowding in the girls' home, refitting and extension of the dormitory, for 50 child street workers in Central Department.

- Support for school attendance by child street workers, for a total of 50 beneficiaries in Caaguazú.

- Improvement of education services, construction of five classrooms, lavatories, equipment and teaching materials, for 440 rural children in Alto Paraná.

- Upgrading and increased availability of vocational training programmes for young people and adults in Cordillera, including the construction of three classrooms and repairs, for a total of 160 beneficiaries in Central Department.

- Improvement of basic learning conditions in school No. 136, for 180 children in Guairá.

- Access to education for young people and adults in marginal quarters of Areguá, for 142 persons.

- Training for young street workers in San Antonio quarter.

- Equipment of silkscreen-printing workshop, for 20 children in Asunción.

- Improvement of basic learning conditions in school No. 14,271 in Toledo, and construction of classrooms, for 32 children in Central Department.

- Refitting of school No. 1,834, construction of two classrooms and lavatories, provision of teaching materials, for 114 beneficiaries in Caaguazú.

- Construction of latrines and two classrooms, for 100 children in Canindeyú.

- Children's home in Caacupé.

- School back-up and teaching materials, for 50 beneficiaries in Cordillera.

114. There are also projects funded by UNICEF and the Directorate for Social Welfare and Assistance in a number of development areas; some of them are mentioned in the sections on education and health.

20. Using indicators or target figures where necessary, please indicate the measures undertaken to ensure the implementation at the national, regional and local levels, and where relevant at the federal and provincial levels, of the economic, social and cultural rights of children to the maximum extent of available resources, including:

- **The steps undertaken to ensure coordination between economic and social policies**

115. There is still no unified method of coordinating these policies, but there are mechanisms for data collection and exchange of information and experience from such social measures as the Strategic Social Development Plan, the Education Reform, the National Health System, and the National Plan of Action for Children. There are also other arrangements for governmental and non-governmental organizations to meet to exchange information and experience.

- **The proportion of the budget devoted to social expenditures for children, including health, welfare and education, at the central, regional and local levels, and where appropriate at the federal and provincial levels**

116. The national general expenditure budget allocates 18.5% of its total resources to education and 7.1% to health. These are global figures, for the data are not broken down by sector. According to the Technical Planning Secretariat of the Office of the President, the available data series (1980-1996) indicates that public social spending has varied over that same period in two clearly differentiated stages: from very low levels in the 1980s it has increased dramatically in recent years.

117. In fact, the social spending/GDP ratio has risen from about 4% in the first few years of the series to about 9% in recent years, with the biggest increases from 1991 to the present.

118. This has been achieved by increasing public social spending, by almost a factor of four, from 27,814.8 million guaraníes in 1980 to 110,741.1 million constant guaraníes between 1982 and 1996, which in turn has meant an increase in total social spending per capita from $53.80 in 1980 to $193.70 in 1996.

119. It must be stressed that recent years have seen the creation of new public agencies such as the Secretariat for Women, the Secretariat for Returnees, the Secretariat for Youth, the National Emergency Committee, and the Secretariat for Social Action; however, these agencies account for very little social expenditure.

- **The budget trends over the period covered by the report**

120. According to economic statistics compiled by the Technical Planning Secretariat, public social spending evolved in a relatively positive manner between 1990 and 1996, rising from 30.7% in 1990 to 46.7% in 1996, with the emphasis on expenditure on education and culture, social security and assistance, followed by health. A methodology was adopted to establish the priority areas in order that the main institutions would be able to identify the most vulnerable sectors, be it in health, education, farming, infrastructure and services, financing, or local government. It is hoped that this policy will maximize the benefits for the social sectors, and an improvement therein is expected.

- **Arrangements for budgetary analysis enabling the amount and proportion spent on children to be clearly identified**

121. The promulgation of the National Constitution in 1992 was followed by a study initiated by the Parliament in conjunction with the Ministry of Finance to determine the annual percentages to be allocated equitably to the various sectors in order to secure better living conditions for the most vulnerable groups, including children.

122. To date, the only method for determining the proportion of expenditure allocated to children is to be found in the education system established in the Constitution, which states in article 85 ("On a budgetary minimum"): "The resources allocated to education in the national general expenditure budget shall not be less than 20% of the total amount allocated to the central administration, excluding loans and donations".

- **The steps taken to ensure that all competent national, regional and local authorities are guided by the best interests of the child in their budgetary decisions and evaluate the priority given to children in their policy-making**

123. There are no institutional arrangements for this purpose. However, ad hoc recommendations are made by the Directorate-General for Human Rights; for example, to request the Ministry of Defence to make a specific budget allocation for the medical examination of young persons required to perform compulsory military service. Another initiative was the production of a psychological and legal record sheet for young people detained in the Coronel Panchito López reeducation institute, to record the state of their mental health from admission to release and to monitor compliance with the procedures. An agreement has also been negotiated, as part of the amicable settlement with the Inter-American Commission on Human Rights of the Organization of American States, between the National University and the Nuestra Señora de la Asunción University in Paraguay and the American University in Washington for students from the faculties of criminal procedure law to work with imprisoned juveniles free of charge and in return to be given about two months' training at the American University.

- **The measures taken to ensure that disparities between different regions and groups of children are bridged in relation to the provision of social services**

124. The Ministry of Finance and subsequently the National Congress are the bodies responsible for preparing the national general expenditure budget. The budget structure provides for an increase in the sections having an impact on the satisfaction of basic needs, giving priority to the most vulnerable groups by means of such indicators as age, per capita income, sex, place of residence, region, etc. This budget depends on the volume of tax revenues, and it is difficult to meet 100% of the needs.

- **The measures taken to ensure that children, particularly those belonging to the most disadvantaged groups, are protected against the adverse effects of economic policies, including the reduction of budgetary allocations in the social sector**

125. Measures of assistance are taken: the various Secretariats of State, within their areas of competence, usually make special allocations to meet emerging needs. One example is the Secretariat for Social Action, which has projects for the construction of classrooms to meet the needs of students and runs campaigns to eradicate specific diseases, pests and epidemics, as well as taking action to deal with natural disasters such as those produced by the El Niño effect. It also provides assistance with the installation and equipment of health posts and the provision of health services in rural areas.

21. Please indicate the extent to which international cooperation relevant to the State party is designed to foster the implementation of the Convention, including economic, social and cultural rights of children. Please indicate the proportion of international aid at the multilateral and bilateral levels allocated to programmes for children and the promotion of their rights and, where appropriate, the assistance received from regional and international financial institutions. Please also indicate the percentage of international cooperation contributed during the reporting period in the total government budget, as well as the percentages of such cooperation respectively allocated to the health sector, to the education sector, to the social sector and to other sectors. Please further indicate any relevant measures adopted as a follow-up to the Declaration and Programme of Action of the World Summit for Social Development.

126. Information about the various modalities of the international aid received by Paraguay was officially communicated through the Technical Planning Secretariat for Economic and Social Development of the Office of the President and the Ministry of Foreign Affairs.

127. Bilateral technical-cooperation relations are maintained with countries of Europe, Asia and the Americas, as well as with international and multilateral bodies. It must be stressed that some countries also support Paraguay's development through NGOs.

128. International aid is delivered through projects, including for example:

1. Protected workshop equipment for the disabled (Jasmin Foundation). Japan.
2. "Human development in Paraguay". UNDP.
3. "Caring for street children". European Union.
4. "Caring for child workers". IDB.
5. "Bilingual education for indigenous groups in Paraguay" (OISCA International, Paraguay). Japan.
6. Construction of school No. 13,453 (María Auxiliadora de Limpio). Japan.
7. Construction of classroom in the Colegio Adventista in Este Paraguayo (Yguazú). Japan.
8. Construction of school No. 14,128 in Asentamiento Arroyo Claro. Japan.
9. "Education for health and better learning". Spain.\
10. "Equal opportunities in education". Spain.
11. "Continuous training of human resources". Spain.
12. "Remote education". Spain.
13. "Educational needs of Paraguay's youth". UNDP programme.
14. "Improvement of primary education". IDB.
15. "Middle-management training programme". IDB.

16. [text illegible]

17. "Primary health care in rural areas". Japan.

18. Donation of a mobile ophthalmic surgery unit (Eye Bank Foundation). Japan.

19. Drinking water supply for indigenous groups in the Chaco (Boquerón). Japan.

20. Improvement of airconditioning system in the Clinical Hospital. Japan.

21. Study and development of groundwater resources. Germany.

22. "Integrated health for children and reproductive health". Germany.

23. "Education for health and better learning". Spain.

24. Environmental health: water supply for rural settlements. Spain.

25. "Assistance, support and awareness training for women". Spain.

26. Reproductive health and family planning. UNFPA.

27. "Rural women, gender, development and reproductive health". UNFPA.

28. "Strengthening of the rural family economy". OAS.

29. Upgrading of the capacity for analysis and dissemination of the results of the 1992 population and housing census. UNDP.

30. Agro-industrial development at the Villarrica school.

Bilateral and multilateral aid

129. The bilateral/multilateral breakdown by main sources of aid is as follows:

(a) Bilateral aid totalling $168,157,059, representing 60.2% of the total, from the following countries:

Country	Contribution (in $US)
Japan	76,684,300
Germany	63,214,749
China	20,950,000
Spain	6,408,010
Korea	900,000

(b) Multilateral aid totalling $111,173,534, representing 39.8% of the total, from the following organizations:

Organization	Contribution (in $US)
European Union	71,670,534
UNDP	5,185,000
IDB	27,878,000
UNFPA	5,000,000
OAS	150,000
FAO, IAEA, UNIDO	1,290,000

Total bilateral/multilateral: 279,330,593

These figures are for the period from June 1996 to June 1997.

130. The first regional conference to follow-up the Declaration and Programme of Action of the World Summit for Social Development was held in São Paolo, Brazil, from 6 to 9 April 1997.

131. This conference showed that results have been achieved. The Government has made enormous efforts to meet the various emerging needs of society's most vulnerable groups, including peasants, indigenous peoples, women, children, the disabled, and the elderly.

132. The measures described below have been adopted for children.

133. With UNICEF support, various public institutions have been executing the National Plan of Action for Children (PNAI), which seeks to improve the lives of this section of the population.

134. The creation of the Secretariat for Youth led to the establishment of a national plan for youth, which sets priorities for the implementation of action programmes with and for young people.

135. The activities carried out have succeeded in satisfying needs not covered previously by any other public or private programme, plan or project: for example, the provision of scholarships, initial work experience, and training for technical careers.

136. In order to consolidate the youth organizations as spaces where people can participate and learn, the Secretariat for Youth devised the following programmes: consolidation of youth organizations, schools for democracy, and creation and strengthening of the Secretariat's offices in the interior.

137. The bases have been laid, in conjunction with the Industry Department of the Ministry of Industry and Commerce, for the development of sources of employment; the aim is to motivate young people to take up the challenge of creating industrial, commercial or service businesses in accordance with their ambitions.

138. The year 1997 saw the establishment of the selection board for the Economic Assistance Programme for Young Students, which addresses the needs of the country's students who have the required level of academic achievement but cannot afford the expense of their studies because of their economic situation.

139. In addition, the Youth Department has given support to the Union of Young Professionals and Entrepreneurs, which organizes "Opening the Way" meetings for young people, the first step in the creation of a space for discussion and thought and the drafting of proposals for the integration of young people in the country's economic development; this initiative will take the form of a three-year plan.

140. This Department is also seeking links with bodies having similar objectives, such as the Rotary Club, the Lions Club, and the Union of Young Professionals and Entrepreneurs. In order to publicize and promote its activities and make direct contact with as many young people as possible, the Department organized and took part in a series events such as meetings, days, seminars and conferences, throughout the country.

141. A youth employment programme for marginal urban areas is also under preparation; it takes into account the experience of some other South American countries and has the possibility of obtaining the necessary financing from international aid agencies.

142. The plan is to establish in conjunction with UNESCO a training centre for socio-cultural extension workers to boost the management capacity of municipal and departmental youth organizations.

143. In addition to the international aid received by Paraguay and the list of such aid annexed to this report, mention must be made of the contribution of UNICEF-Paraguay to the application of the Convention on the Rights of the Child, as well as to the implementation of the PNAI, which deals in detail with the various topics of health, education, children in difficult circumstances, etc., in its assistance programmes, with provision for specific evaluation of the successes and problems.

22. In addition, States are requested to describe the measures that have been taken or are foreseen, pursuant to article 42 of the Convention, to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike. In this regard, reports should also indicate:

- **The extent to which the Convention has been translated into the national, local, minority or indigenous languages. In this connection, an indication should be given of the number of languages into which the Convention has been translated and the number of copies translated into the minority languages during the reporting period**

144. The Convention on the Rights of the Child has not been translated into Guaraní; the copies distributed are in Spanish. There is a project entitled "Convention on the Rights of the Child - National Plan of Action for Children and Social Policies"; the counterpart agency is the Directorate-General for Human Rights of the Ministry of Justice and Labour, with UNICEF support. This project is concerned with the dissemination of the reports on the rights of the child in Paraguay submitted to the Committee in 1994, 1996 and 1998 and of the Committee's observations thereon. The project provides for the publication of editions of the reports and the observations in Spanish and Guaraní, presentation to the press, and distribution to public, private and international bodies connected with the rights of the child. This is the only step taken to disseminate the Convention in Guaraní. It is clearly not possible to state the number of copies of the translations since the project has not yet yielded results that can be evaluated.

- **Whether the Convention has been translated and has been made available in the languages spoken by the larger refugee and immigrant groups in the country concerned**

145. The Convention has not been translated into other languages, for refugees and immigrants are few in number. The people in question speak Spanish or, in the case of such communities as the Japanese, Koreans, Chinese or Arabs, are usually learning Spanish as a first step towards integration in society and as vital tool for work, study and communication and for ensuring their own and their family's survival.

- **The measures adopted to publicize the Convention and create widespread awareness of its principles and provisions. In this connection, an indication should be given of the number of meetings (such as parliamentary or governmental conferences, workshops, seminars) held, the number of programmes broadcast on radio or television and the number of publications issued explaining the Convention on the Rights of the Child during the reporting period**

146. In order to publicize the principles of the Convention and make the general public more aware of it, the Directorate-General for Human Rights, with UNICEF support, held a workshop/seminar on 5-6 June 1997 on the preparation of the second report on the application of the Convention, which was attended by governmental and non-governmental organizations concerned with children. The seminar highlighted the provisions of the Convention, focusing in particular on the themes to be addressed in the report in accordance with the general guidelines. A presentation was made on the list of questions which had to be addressed in connection with the consideration of Paraguay's initial report; in order to secure greater publicity, this event was promoted in the press and on radio and television.

147. A UNICEF initiative resulted in the formation of a study group headed by an NGO - the Women's Training and Studies Service - to analyze and discuss the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the mother-child relationship.

148. In addition, the Coordinating Office for the Rights of the Child organized Rights of the Child Week, which included cultural activities designed to publicize the Convention and increase people's awareness of it.

- **The specific steps taken to make the Convention widely known to children and the extent to which it has been reflected in the school curricula and considered in parents' education campaigns. An indication should be given of the number of copies of the Convention distributed in the educational system and to the public at large during the reporting period**

149. The Education Reform, which has been engaged since 1993 in a gradual process of improving school attendance and has now covered the first four years of schooling, has included the Convention in the curriculum in order to teach children about all matters connected with their rights and duties. This work began with training days for teachers to show them how to teach the Convention; parents were also included. These periodic days, in addition to offering an opportunity for discussion of children's schooling, highlighted the principles of the Convention and the need for their daily application.

150. It must be added that in the interior of the country the "Mita Róga" (Children's Centre) schools work to secure children's integrated development within the framework of the Convention. More details about this system are given in the section on education.

- **The measures adopted to provide education on the Convention to public officials, as well as to train professional groups working with and for children, such as teachers, law enforcement officials, including police, immigration officers, judges, prosecutors, lawyers, defence forces, medical doctors, health workers and social workers**

151. The government agencies which have staff performing work connected with children hold training courses on the Convention. These include:

(a) The teacher-training programme of the Ministry of Education and Worship, which includes human rights as a thematic area;

(b) The programme for officers of public order, including the National Police, which since 1992 has had a human rights department in the General José Eduvigis Díaz police academy;

(c) The courses on the principles of the Convention organized by the Supreme Court of Justice for judges and magistrates in general, lawyers, and juvenile judges and attorneys. The following are some examples of this work:

(i) The training given at the seminar for judges on "Application of the international human rights instruments in judicial decisions", which was mentioned in the preceding report;

(ii) The workshop/seminar for judges on "Preparation of the second report on the application of the rights of the child", mentioned above; the presenters included judges from the juvenile guardianship and correctional jurisdiction;

(d) The training courses for health and social-work professionals, such as doctors, health workers, social workers, and nurses, run by the Ministry of Public Health and Social Welfare; the Ministry also encourages paediatricians to use wall-charts illustrating children's rights in their consulting rooms. The Convention was also publicized in public and private hospitals through the free distribution of posters illustrating the Convention.

152. In addition, the NGO Global Infancia has this year been supporting the work of 120 juvenile judges and attorneys by organizing training activities, with the agreement of the Supreme Court of Justice and the Public Prosecutor's Office, for the benefit of personnel working with children, with a view to ensuring that the work is integrated and coordinated. Courses on children's rights are also held in the police schools for cadets, non-commissioned and commissioned officers; the participants totalled 200 in 1998.

- **The extent to which the principles and provisions of the Convention have been incorporated in professional training curricula and codes of conduct or regulations**

153. The Convention and its principles and provisions have been included in training programmes for future child-work professionals, as mentioned in the preceding section. Since 1994 the law faculty of the National University in Asunción has had a human rights chair, which covers the Convention, and since 1993 a children's rights chair.

154. The regulations governing all types of education, especially primary, provide that "all children are entitled to be treated in a caring and understanding manner, without any discrimination, to have their personalities respected, and not to be harmed by word or deed". This is the only regulation referring to a principle of the Convention in terms of the everyday interpersonal relations affecting children.

- **The steps taken to promote understanding of the principles and provisions of the Convention by the mass media and by information and publishing agencies**

155. Some activities are undertaken by the press - the Asunción newspapers ABC Color, Noticias and Ultima Hora, which occasionally publish schools supplements. These supplements generally use cartoon strips to publicize the articles of the Convention and teach children about their rights and duties. These materials are widely used by teachers as a means of raising awareness and for dissemination and training purposes.

156. There are a number of community radio stations broadcasting specific programmes for children and young people: for example, Radio FM Trinidad, Radio Rebelde, Radio FM Lambaré, and Radio FM Cordillera, which are located in cities throughout the country.

157. There are also radio programmes such as La Voz de los Niños (Children's Voice), broadcast over Radio Cáritas in Asunción, which make reference to the Convention.

- **The involvement of non-governmental organizations in awareness and advocacy campaigns on the Convention, as well as any support provided to them. In this connection, an indication should be given of the number of non-governmental organizations who participated in such events during the reporting period**

158. As noted elsewhere in this report, in 1995 the Government declared the week of 9 to 16 August as Rights of the Child Week; this event is organized jointly with the Coordinating Office for the Rights of the Child and involves the following social organizations: Callescuela, which provides extensive services for children working in the street; Global Infancia; Dequeni; and Don Bosco Róga.

159. The most relevant articles of the Convention are selected for the Week, so that any organization, governmental or non-governmental, can give them widespread dissemination and try to secure the greatest possible national cover. Attention is drawn in this connection to the work of the NGO Global Infancia, which signed an agreement with the municipal councils CECODIN (in Asunción) and CODENIS (in the interior) concerning the publicizing of the Convention. Thus, during Rights of the Child Week in 1997, with the support of the Ministry of Education and Worship, the Convention was widely publicized in schools in the capital and in the interior, using head teachers, supervisors and teachers and following a cultural agenda. The newspaper ABC Color also helped by printing for distribution 5,000 copies of material on the Convention.

160. Under a cooperation agreement with the municipality of Asunción, Global Infancia held training days for government attorneys and municipal employees.

161. The NGOs mentioned below also supported the advocacy and application of some of the rights set out in the Convention.

162. The 25 November women's collective, which provides legal aid in cases when the law is involved; Pastoral Social; the Health for All Mutual Aid Centre (CAMSAT); Bañado Tacubú; and the Vida Abundante public advocacy collective (Bañado San Cayetano). All these NGOs have been involved in campaigns to encourage registration in the Civil Register promoted by the CECODIN programme and supported by the Directorate-General for Civil Registry.

- **The participation of children in any of these activities**

163. A special programme of leisure activities and training workshops is carried out during Rights of the Child Week to inform children about their rights. This programme uses game-playing as a support tool and distributes leaflets, fliers, posters, etc. In 1997, 697 children in eight districts of Asunción took part in this programme. Districts in the interior, especially the towns which have a children's protection centre, held their own events during the Week but there are no detailed records of the activities. Despite the efforts made, it is difficult to carry out such programmes country-wide owing to factors such as lack of resources, geographical remoteness, and uncertain weather, which may impede the usual access to education centres and other facilities in the interior.

23. States are also requested to describe the measures undertaken or foreseen, pursuant to article 44, paragraph 6, to make their reports widely available to the public at large in their own countries. In this regard, please indicate:

- **The process of preparation of the present report, in particular the extent to which governmental departments, at the central, regional and local levels, and where appropriate, at the federal and provincial levels, participated, and non-governmental organizations were involved. An indication should also be given of the number of non-governmental organizations which participated in the preparation of the report**

164. The first step taken to gather reliable information by sector and by area was to plan a series of interinstitutional meetings, followed by meetings with the Coordinating Office for the Rights of the Child. These meetings emphasized the importance of this report, the obligation to do the work, and the benefits of broad collaboration. For the collection of information, questionnaires were prepared for each participating agency in the light of its field of action. The participants showed a clear interest in collaborating and also indicated the names of other institutions which might be brought in.

165. Visits were also made to the interior of the country to the offices of governors and mayors, which were supplied with copies of the relevant questionnaires. The governor's offices showing the greatest interest were in Ciudad del Este, Coronel Oviedo, Misiones and Villarrica; they immediately provided statistical data.

166. The data collection follow-up work began from that date; it was this exercise that revealed the genuineness of the interest of the bodies requested to supply information. One of the first among them was the Technical Planning Secretariat, which proved a rich source of information. Cooperation was also delivered by the Civil Registry, the Community Centre for the Protection of Children, the National Anti-AIDS Programme of the Ministry of Public Health and Social Welfare, the National Children's Home, the National Indigenous Institute, the Church Committee for Emergency Assistance, the Coronel Panchito López reeducation institute, the Casa del Buen Pastor, the Juana María de Lara women's prison, the National Anti-drugs Secretariat, the Attorney-General's Office, and the National Centre for the Protection of the Rights of the Child. Other collaborators included the Ministry of Education and Worship, the National Institute for the Protection of Exceptional Persons, the Directorate for Crime Policy and Criminology, the Coordinating Office for the Rights of the Child, the Centre for the Protection of the Rights of the Child (CECODENIS), and the Women's Training and Studies Service.

167. The UNICEF-Paraguay Action Plan for 1998, entitled "Convention on the Rights of the Child: National Plan of Action for Children and Social Policies", the counterpart for which is the Ministry of Justice and Labour, planned a national study workshop to revise the draft report on the rights of the child in Paraguay 1997-1998 to be attended by representatives of governmental and non-governmental organizations. This workshop was held on 22 and 23 June. Before that date the draft report was distributed to the participants for their consideration. The idea was that they should offer their inputs, corrections and amplifications, as well as confirming the information contained in the report, so that the final document would reflect the true situation in the country.

- **The steps taken to publicize the report, to translate and disseminate it in the national, local, minority or indigenous languages. An indication should be given of the number of meetings (such as parliamentary and governmental conferences, workshops, seminars) held, the number of programmes broadcast on radio or television, the number of publications issued explaining the report and the number of non-governmental organizations which participated in such events during the reporting period**

168. Within the framework of the cooperation project described in the preceding paragraph the plan was to publish the observations of the Committee on the Rights of the Child, disseminate them and translate them into Guaraní. The intention was also to publish the information submitted by Paraguay to the United Nations in 1994, 1996 and 1998 and publicize it nationally.

- **The measures adopted or foreseen to ensure wide dissemination and consideration of the summary records and the concluding observations adopted by the Committee in relation to the State party's report, including any parliamentary hearing or media coverage. Please indicate the events undertaken to publicize the concluding observations and summary records of the previous report, including the number of meetings (such as parliamentary or governmental conferences, workshops, seminars) held, the number of programmes broadcast on radio or television, the number of publications issued explaining the concluding observations and summary records, and the number of non-governmental organizations which participated in such events during the reporting period**

169. In October 1996 the PNAI Technical Committee published in the press the observations and recommendations of the Committee on the Rights of the Child in connection with the list of questions to be answered following its consideration of Paraguay's initial report. The Coordinating Office for the Rights of the Child cooperated in this undertaking.

170. The plan is give wide publicity to Paraguay's subsequent reports, including the Committee's observations, recommendations and main areas of concern, under a project operated with UNICEF support by Directorate-General for Human Rights of the Ministry of Justice and Labour. The Committee's observations and recommendations were made public at the workshop on 22 and 23 June, and an evaluation was made of the content to confirm its accuracy. These materials will later be disseminated through all the communication media.

II. DEFINITION OF THE CHILD
(article 1)

24. Under this section, States parties are requested to provide relevant information with respect to article 1 of the Convention, including on:

- **Any differences between national legislation and the Convention on the definition of the child**

171. There is a marked difference between the definition of the child in national legislation and in the Convention. According to article 1 of the Convention, "a child means every human being below the age of eighteen years".

172. Article 1 of the Juvenile Code (Act No. 903/81) defines a child in the following terms: "This Code regulates the rights and guarantees of minors from their conception until they attain the age of 20 years, the point at which minority ends and majority begins".

173. Article 1 of the draft Children's Code, which will be examined during the next legislative session, states:

> "This Code establishes and regulates the rights and duties and the protection of all human beings from their conception until the day on which they reach the age of 18 years.

> For the purposes of this Code, a person shall be regarded as a child until the age of 12 years and as an adolescent from the age of 12 years until the day on which he or she attains the age of 18 years.
>
> In the event of any doubt or discrepancy in relation to age, the status of child or adolescent shall be presumed".

- **The minimum legal age defined by the national legislation for the following:**

  . **Legal and medical counselling without parental consent**

174. Legal and medical counselling is free for everyone; this means that any person in full possession of his mental powers may have access to such counselling if he wishes. Paraguay's legislation, (Juvenile Code, art. 1) states:

> "The rights and guarantees of minors obtain from their conception until they attain the age of 20 years, it being understood that the exercise a minor's rights may be sought by himself or by any third party in the event that the minor lacks the power of reason or has a physical or mental disability which impedes the use of that power".

. **Medical treatment or surgery without parental consent**

175. The possibility of medical treatment or surgery without parental consent is not established by any law, but by application of the constitutional guarantees and the Juvenile Code the judicial authorities may, subject to a legally valid application to this effect, order medical treatment or surgery without parental consent when a human life is at risk.

176. However, article 18 of the draft Children's Code states:

> "On surgical intervention when there is risk of death:
>
> Public and private medical facilities shall be obliged to obtain the authorization of the parents or guardians, or of a juvenile court when appropriate, in order to commit a child to hospital, perform surgery on him, or provide the necessary treatment when his life or integrity are at risk. In the event of opposition by the parents or guardians on cultural or religious grounds, the medical professional shall require judicial authorization. If there is a risk of death, the medical professional shall be obliged to proceed as medical science indicates and to communicate his decision immediately to the juvenile court".

177. In 1995 the intervention of a judge was sought in order to save the life of a boy being treated in a well known private hospital in Asunción, when the parents opposed surgery on religious grounds.

. **End of compulsory education**

178. According to the Constitution, compulsory education ends at age 12. However, rural children have a high drop-out rate before that age owing to economic problems.

179. Since the initiation of the Education Reform in 1993 basic education has been for a period of nine years, from age six to 15.

180. However, according to a 1997 report of the Technical Planning Secretariat the statistical systems of the Ministry of Education and Worship still do not reflect this situation.

181. Article 18 of the draft Children's Code ("On free primary education") states: "The State shall provide free pre-primary and primary education for children and adolescents, establishing the necessary conditions for them to enrol and remain in school".

182. Article 29 ("On compulsory enrolment and attendance") states: "It shall be compulsory for children and adolescents to enrol in and attend pre-primary and primary school. Their parents or other legally responsible persons shall be responsible for compliance with this obligation".

- **Marriage**

183. The civil law provides that young people of either sex make marry from the age of 16 with their parents' consent or by judicial authorization.

184. Article 178 of the draft Children's Code states:

> "A juvenile court may authorize the marriage of adolescents in accordance with the provisions of the Civil Code. Before taking a decision the court shall hear the opinion of the adolescents concerned and, if necessary, shall order action by specialized personnel in order to ensure observance of their rights".

185. The proportion of minors marrying has declined in recent years by 20%, probably owing to factors such as lack of income to maintain a household or a wish to obtain a job or occupation as a means of survival.

186. Middle-class young women are more likely to complete their tertiary or university education before marrying.

- **Sexual consent**

187. National legislation does not specify a minimum age for consent or validation of consent to sexual relations.

188. Article 135.1 of the Criminal Code in force since 1 November 1998 states with respect to punishment for sexual abuse of children: "Any person who commits a sexual act with a child or who induces a child to commit such an act directly or with third persons shall be punished by deprivation of liberty for up to three years or by a fine...". Article 8 states: "For the purposes of this article, child shall mean a person aged under 14 years". The current Criminal Code provides that the abduction of a girl aged under 14, even with her consent, shall be punishable by imprisonment.

- **Voluntary enlistment in the armed forces**

- **Conscription into the armed forces**

189. Military service is compulsory; article 129 of the Constitution states:

> "Every male Paraguayan has an obligation to undergo training and to assist in the armed defence of the fatherland.

> Compulsory military service shall be established for this purpose. The law shall regulate the conditions for performance of this duty.
>
> Military service shall be performed with full dignity and respect for the person. In peace time it shall not exceed 12 months.
>
> Women shall not perform military service except as auxiliaries during an international armed conflict".

190. The obligation referred to in the Constitution applies from the age of 18.

191. Any person stating a conscientious objection has to perform service of benefit to the civilian population through assistance centres designated by law and under civil jurisdiction. The regulation and exercise of this right must not be punitive or impose heavier burdens than those established for military service.

192. Personal military service not stipulated by law or for the benefit or profit of private individuals or entities is prohibited.

193. The law is required to regulate the contribution of foreigners to the national defence.

194. Article 37 states: "Conscientious objection on ethical or religious grounds shall be recognized in the cases allowed by this Constitution and by law".

195. However, there have been reports of ill-treatment and forced recruitment and even of deaths caused by excessive physical exertion.

196. The press has published information based on surveys of parents of minors performing military service which indicate that some parents permit their sons to enlist for military service before the regulation age of 18 as a means of improving their livelihood in terms of food and a certain level of education. Given this situation, the Government made a commitment to the Inter-American Commission on Human Rights, dated 25 March 1998, in the following terms:

(i) Cessation of forced military recruitment;

(ii) Cessation of the acceptance of persons aged under 18 for compulsory military service, except by judicial order. It was suggested to this end that a joint national information and awareness campaign should be undertaken for the general public and for young men and their parents in particular, publicizing the importance of not performing military service before the age established by law;

(iii) Planning and operation of an effective basic medical examination service for recruits. A special section will have to be included in the armed forces budget for this purpose. For the initiation of this medical examination service international aid may be used to meet the financial requirement until the new section is included in the national budget.

197. It must also be stressed that, although there are no regulations on conscientious objection (apart from the provision in the Constitution), in practice the young men who opt for it cite grounds such as their personal ethics, values and principles, religion and in some cases their education plans. If they wish, secondary students may perform their military service exclusively during the summer holidays. Attention must however be drawn to the lack of sound regulations in this area.

- **Criminal responsibility**

198. According to article 18 of the current Criminal Code, the age of criminal responsibility is 14 years. Similarly, the new Criminal Code, which enters into force on 1 November 1998, states that "a person who has not attained the age of 14 years shall be exempt from criminal responsibility".

199. Article 219 of the Juvenile Code states:

> "Minors under the age of 14 years may not be prosecuted. If such a minor is charged with an unlawful act, he may not be tried or punished by an ordinary court. All such cases shall be heard by a juvenile court, and the rules contained in this Code shall apply".

- **Deprivation of liberty, including by arrest, detention and imprisonment, *inter alia* in the areas of administration of justice, asylum-seeking and placement of children in welfare and health institutions**

200. Deprivation of liberty covers such deprivation on non-criminal grounds (neglect, state of risk, and even "disciplinary measures") as well as on criminal grounds. All these grounds apply equally to children aged under 14.

201. Article 294 of the Juvenile Code states:

> "Pre-trial detention shall not be imposed on children aged under 14 years, who shall remain in the custody of their parents, guardians or custodians except when they are in some physical or moral danger. In the latter case the court may order them to be placed in an establishment intended for their custody or entrusted to the custody of other persons, whether or not related to them".

In such cases the court may decide, having considered the charges against the child and taking into account his psycho-physical, moral, social and cultural condition:

(a) To return the child to his parents, guardians or custodians or to other persons legally responsible for him with a caution;

(b) To entrust him to his parents, guardians or custodians or to other persons legally responsible for him or to third parties, subject to supervision by an inspector;

(c) To place the child in the care of some other person in order that he may continue to live in a family, subject to careful verification that the designated person satisfies the requirements of honesty and good moral standing and has the capacity to supervise the child's upbringing;

(d) To order the placement of a child aged at least 12 years for a period not exceeding two years in a special reeducation establishment or in some other place deemed suitable for him;

(e) To revoke or amend any of the measures ordered when this is deemed to be in the child's interest.

202. The provision contained in subparagraph (d) fits perfectly with the service provided by the Instituto del Mañana, a shelter for young offenders aged seven to 13, already described in the initial report under question 42.

203. These measures are of a disciplinary and protective nature. Detention measures are also available, and according to the Criminal Code they may be applied to children from the age of 14, the age at which they become criminally responsible for their actions. This topic and the related arrangements is dealt with in the section on children in conflict with the law (see below, section 132 of the general guidelines).

- **Capital punishment and life imprisonment**

204. Paraguay's legislation does not contemplate capital punishment or life imprisonment.

- **Giving testimony in court, in civil and criminal cases**

205. Children may validly testify in court from the age of 16 years, and younger children may be called upon to make information statements.

206. Article 305 of the Juvenile Code states that in any correctional procedure children are allowed to make whatever statements they may wish in their defence. No legal age is specified in this connection. However, the current Code of Criminal Procedure stipulates the age of 14 years for testifying in criminal cases.

207. It must be stressed that the new Code of Criminal Procedure, whose entry into force is envisaged for June 1999, states that "any person" (without mentioning any age limits and thus including children) may testify in court in both civil and criminal cases; the rights recognized in the Code also include the right not to testify.

- **Lodging complaints and seeking redress before a court or other relevant authority without parental consent**

208. Article 54.2 of the Constitution states: "Anyone may require the competent authority to enforce these guarantees and punish violators".

209. The Juvenile Code stipulates that the responsibility for parental authority rests primarily with the parents. Otherwise, the Juvenile Attorney's Office makes good the absence of paternal or maternal authority with the consent of a juvenile court.

210. A Juvenile Complaints Department was established in the Attorney-General's Office in July 1997 with a view to providing a better service for the public. Previously, all complaints were received by the duty officer. This situation created an excessive workload for the duty officer and made it difficult for him to give proper attention to the persons coming to the office. This was the reason for the establishment of the Juvenile Complaints Department; it is headed by a member of the Attorney-General's staff, who is responsible for the receipt of reports of acts of violence committed against persons up to the age of 20 years. The situation differs in the case of child perpetrators who have committed offences envisaged and punished by the law, when complaints are accepted about children aged up to 14 years.

211. The complaints recorded by the duty officer are examined and processed in the Department and then transmitted to a guardianship or correctional court as appropriate.

212. Children may lodge complaints directly or through a representative.

213. On 15 July this year the Attorney-General met with the staff of the Public Prosecutor's Office and decided that, once the 10 May elections were completed, the electoral attorneys should transfer their attention to ordinary cases, giving emphasis to those concerning children at risk, and thus collaborate even more closely with the justice system.

- **Participating in administrative and judicial proceedings affecting the child**

214 The last paragraph of article 54 of the Constitution states: "In the event of a conflict, the rights of the child shall prevail".

215. In proceedings of this kind the child's opinion is taken into account on the basis of his best interests (although this is not required by the Juvenile Code), especially in judicial cases, in accordance with the Convention, which is part of positive domestic law.

- **Giving consent to change of identity, including change of name, modification of family relations, adoption, guardianship**

216. On the question of change of identity or name article 42 of the Civil Code states:

> "All persons shall have the right to a name and surname, which must be entered in the Civil Register. Only a court may authorize, for just cause, any change in or addition to a name or surname".

This article means that only a court may authorize a change of name and only for just cause, as would occur in the case of a person having a comical name, or in cases of homonyms, etc. For such a change to be authorized the person must be of age or have his parents' legally certified consent.

217. Article 19 of the new Adoption Act (No. 1136) states:

> "From the age of 12 years a minor may give his consent to adoption after a period of living with the prospective parents. In all cases the court shall take into account the child's opinion on the proposed adoption. In the case of children aged under 12 years, the court shall evaluate the child's opinion in the light of his development and maturity".

The Juvenile Code makes no reference to a child's age in connection with award of custody. But article 208 of the draft Children's Code states:

> "Before awarding custody the court shall first hear the child and consider his opinion in the light of his maturity and level of development".

This marks a big step forward in domestic legislation: taking account of the child's opinion when deciding who shall exercise the functions of his parents. Although no specific age limit has been set, the child's degree of maturity and development is taken into consideration.

- **Having access to information concerning the biological family**

218. On 17 September 1997 the Public Prosecutor's Office signed a cooperation agreement with UNICEF and the NGO Global Infancia on the start-up of a project entitled "Computerized monitoring of child adoption records", which consists of a database designed to systematize the monitoring of post-adoption reports and requests submitted to the Office to trace the biological parents of children given in international adoption. This ensures compliance with article 8 of the Convention, which guarantees the right to an identity for children given in adoption and the subsequent re-establishment of their identity.

219. Article 5 of the new Adoption Act states: "Adopted children have the right (1) to know their origins, in accordance with the procedures established in this Act".

220. Article 22 of the Act states:

> "Persons whose filiation is unknown shall be regarded as children of unknown parents. When a competent court has been informed of the existence of a child whose biological parents are unknown, after hearing the opinion of the Juvenile Attorney and the Guardianship Counsel it shall order an exhaustive investigation to trace the parents or members of the biological family. The investigation shall last a minimum of 90 days, and this period may be extended by decision of the court. If the parents or family members are located, a period of maintenance of the family link must be initiated with them. If the time-limit expires without location of the parents or family members, the court shall declare the child for adoption".

221. There is thus no established minimum age. This means that the interpretation of the law allows children, with no age restriction, to have access to all information concerning their biological parents. What is more, the juvenile court itself assumes responsibility for tracing the parents.

- **Legal capacity to inherit, to conduct property transactions**

- **To create or join associations**

222. The legal capacity to inherit exists from the moment of conception. In matters connected with the ownership of property a child executes the corresponding commercial act or transaction through his legal representatives or with the consent of a court. Membership of political parties is permitted as soon as a child acquires citizenship at age 18. Generally speaking, membership of non-political associations is governed by the statutes or regulations of the association in question without any legal restriction.

- **Choosing a religion or attending religious school teaching**

223. The practice of religion in all its aspects is a matter of free choice for citizens in general. This applies to children with the sole restriction that, in the event of a conflict, their legal representatives are backed by the judicial authorities. The freedom of worship is a constitutional guarantee.

- **Consumption of alcohol and other controlled substances**

224. National legislation prohibits the consumption of alcohol by children. This prohibition is publicized by mandatory official means established and supervised by the Ministry of Public Health and Social Welfare. Controlled substances may be acquired for consumption by children only under medical supervision, for which the Ministry is responsible. Although the sale of alcohol to children and its consumption by children is prohibited by law, the control systems are weak and virtually without effect.

- **How the minimum age for employment relates to the age of completion of compulsory schooling, how it affects the right of the child to education and how relevant international instruments are taken into account**

225. Compulsory schooling is provided for in article 30 of the Juvenile Code, but school attendance is seriously affected in Paraguay by the high drop-out rate. One of the factors working against attendance is that 29% of the population of school age stays away for economic reasons, 21% working to support the family budget; this situation is encouraged by the labour legislation, which allows children to work from age 12.

226. Measures to correct this problem will be brought in following the adoption of the draft Children's Code, article 95 of which states: "Children under the age of 13 years are prohibited from working for others". This Code also establishes clear conditions, prohibitions and guarantees with respect to child labour; its entry into force will solve one of the big problems of Paraguayan society.

- **In cases where there is a difference in the legislation between girls and boys, including in relation to marriage and sexual consent, the extent to which article 2 of the Convention has been given consideration**

227. Paraguay's legislation makes no distinction between the sexes with respect to marriage and sexual consent, as already pointed out in answer to question 11 in the list of questions. As required by article 2 of the Convention, the Civil Code as partially amended by Act No. 1/92 states:

> "Persons between the ages of 16 and 20 years shall require the consent of their parents or guardians for contracting marriage. If one of the parents is incapacitated, the consent of the other shall suffice. If both parents are incapacitated or have lost parental authority, the juvenile guardianship court shall decide".

The Civil Code also stipulates that children aged under 16 may not marry except by special dispensation in exceptional circumstances from age 14 by decision of the juvenile guardianship court. The measures for application of this provision of the Convention are still not satisfactory in practice, usually owing to ignorance of them but also for cultural reasons, including extremely authoritarian attitudes surviving from earlier times, not to mention political, social and economic factors.

- **In cases where the criteria of puberty is used under criminal law, the extent to which this provision is differently applied to girls and boys, and whether the principles and provisions of the Convention are taken into consideration**

228. National legislation now places girls and boys on an equal footing, no longer regarding puberty as a criterion in criminal law; it can thus be seen that the principles and provisions of the Convention have been taken into consideration.

III. GENERAL PRINCIPLES

A. Non-discrimination
(article 2)

25. Reports should indicate whether the principle of non-discrimination is included as a binding principle in the Constitution or in domestic legislation specifically for children and whether all the possible grounds for discrimination spelled out in article 2 of the Convention are reflected in such legal provisions. Reports should further indicate the measures adopted to ensure the rights set forth in the Convention to each child under the jurisdiction of the State without discrimination of any kind, including non-nationals, refugees and asylum-seekers.

229. Non-discrimination is a constitutional principle. The Constitution addresses non-discrimination in the following provisions. Article 46 states:

> "All the inhabitants of the Republic are equal in dignity and rights. Discrimination shall not be permitted. The State shall remove the obstacles to non-discrimination, together with the factors which maintain or favour discrimination. The measures of protection introduced to combat unfair inequalities shall not be regarded as discriminatory [...]".

230. Article 53 states:

> "Parents have the right and the duty to care for, maintain, educate and protect their minor children. They shall be punished by the law if they fail to fulfil their maintenance obligations. [...] The law shall regulate the provision of assistance to families with many children and to women heads of family. All children are equal before the law. The law shall facilitate the investigation of paternity. No comment on filiation shall be permitted in personal documents".

231. Article 54 ("On the protection of children") states:

> "The family, society and the State have an obligation to ensure children's harmonious and comprehensive development and the full exercise of their rights, protecting them against neglect, malnutrition, violence, abuse, trafficking and exploitation. Anyone may require the competent authority to enforce these guarantees and punish violators. In the event of a conflict, the rights of the child shall prevail".

232. Article 58 ("On the rights of exceptional persons") states:

> "Exceptional persons shall be guaranteed health, education and leisure services and vocational training for full integration in society. The State shall institute a policy for the prevention of disability and for the treatment, rehabilitation and integration of persons having physical, mental and sensory disabilities, who shall be furnished with the specialized care that they require.

233. "They shall be accorded the enjoyment of the rights which this Constitution grants to all the inhabitants of the Republic with equality of opportunities, in order to compensate for their disadvantages".

234. The Juvenile Code has no specific provisions on equality. This is not true of the draft Children's Code, article 3 of which states:

> "This Code shall apply to all children and adolescents living in Paraguayan territory without any exceptions, regardless of race, colour, sex, language, religion, political or other opinion, national

> origin, ethnic or social origin, economic position, physical impediments, or any other circumstance of the child or adolescent or of their parents, family members, guardians or other persons legally responsible for them".

In the light of this article, it can be affirmed that the draft Code has indeed been based on the provisions of the Convention, as adapted to the Paraguayan situation.

235. The only distinction affecting foreigners are that they are permitted to vote only in municipal elections and may not hold public office, for which Paraguayan nationality by birth is required. Apart from that, they have the same rights and duties as any other inhabitant of the national territory.

26. Information should be provided on steps taken to ensure that discrimination is prevented and combated, both in law and practice, including discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status of the child, his/her parents or legal guardians.

236. The Education Reform Council included in the new curriculum, in place since 1993, the teaching and advocacy of human rights and the equality of status and opportunity in all the services provided by the Government. The creation of several institutions, such as the National Centre for the Protection of the Rights of the Child (CENADI), and others dealing with indigenous affairs, such as the National Indigenous Institute, the Paraguayan Association for Indian Affairs, etc., guarantees the practical application of the articles of the Constitution cited above for the benefit of the indigenous peoples.

237. As to the measures taken to eliminate all discrimination in law, there is a battery of legislation proclaiming equality in all spheres, as can be verified from the answers to earlier questions.

238. But discriminatory practices persist; they are closely linked to deeply rooted cultural patterns which are gradually being eliminated.

27. Please indicate the specific measures adopted to reduce economic, social and geographical disparities, including between rural and urban areas, to prevent discrimination against the most disadvantaged groups of children, including children belonging to minorities or indigenous communities, disabled children, children born out of wedlock, children who are non-nationals, migrants, displaced, refugees or asylum-seekers, and children who are living and/or working on the streets.

239. Article 46 of the Constitution states:

> "All the inhabitants of the Republic are equal in dignity and rights. Discrimination shall not be permitted. The State shall remove the obstacles to non-discrimination, together with the factors which maintain or favour discrimination.

240. "The measures of protection introduced to combat unfair inequalities shall not be regarded as discriminatory but as egalitarian".

241. The last part of article 53 states: "All children are equal before the law. The law shall facilitate the investigation of paternity. No comment on filiation shall be permitted in personal documents".

242. Article 58 refers to exceptional persons [i.e. persons with special needs], and its last paragraph states: "They shall be accorded the enjoyment of the rights which this Constitution grants to all the inhabitants of the Republic with equality of opportunities, in order to compensate for their disadvantages".

243. Article 63 states:

> "The right of indigenous peoples to preserve and develop their ethnic identities in the own lands shall be recognized and protected. They shall also have the right to apply freely their systems of political, social, economic, cultural and religious organization and to apply a system of voluntary compliance with their customary laws for the regulation of their internal relations with each other, provided that such laws do not encroach on the fundamental rights established in this Constitution. Customary indigenous law shall be taken into account in jurisdictional conflicts".

244. Article 65 states: "Indigenous peoples shall be guaranteed the right to participate in the country's economic, social, political and cultural life, in accordance with their customary practices, this Constitution, and national law".

245. Article 88 ("On non-discrimination") states: "No discrimination shall be permitted between workers on grounds of race, sex, age, religion, social status, or political or trade-union preferences.

246. "The labour of persons with physical or mental impediments or disabilities shall enjoy special protection".

247. The fundamental objective of the Councils on the Rights of the Child (CODENIS), set up in 1995 in some 27 municipalities in the interior of the country is to ensure children's comprehensive development. There are also programmes sponsored by the Secretariat for Social Action of the Office of the President, the Secretariat for Youth, the Secretariat for Women, and other agencies working in this field.

248. There are national centres and homes which provide shelter for children victims of some situation who require a temporary home. In these institutions children receive food and lodging and usually some education and job training. They include: Casa Cuna Doctor Carlos Santiago, Don Bosco Róga, the Santa Teresita children's home, the National Children's Home, the San Francisco de Asís children's home, the Rosa Virginia children's home, the Instituto del Mañana, Pequeño Cottolengo Paraguayo Don Orione, and Hogar Santa Eufrasia.

249. There are institutions offering training and rehabilitation programmes for the disabled, such as the National Institute for the Protection of Exceptional Persons, TELETON, the Association of Parents and Friends of the Mentally Disabled, the Jasmin Foundation, etc.

250. There is no policy for rural areas to reduce the discrimination suffered there with respect to basic rights such as health, education and work.

28. Please provide information on the specific measures taken to eliminate discrimination against girls and when appropriate indicate measures adopted as a follow-up to the Fourth World Conference on Women.

251. Article 48 of the Constitution states:

> "Men and women have equal civil, political, social, economic and cultural rights. The State shall promote the conditions and create suitable mechanisms for this equality to be real and effective, smoothing out the obstacles to its exercise and facilitating women's participation in all spheres of national life".

252. In the case of discrimination against young women, the legal measures for protection of their rights are implemented through the Secretariat for Women, which offers several types of assistance in accordance with the recommendations of the Fourth World Conference on Women, including the distribution of leaflets on this subject, training sessions, talks, conferences and radio programmes. Since 1993 the Office of the First Lady has been carrying out a "Human Development" programme involving more than a thousand women's committees, which are given support in production and training projects, with special emphasis on rural areas. NGOs offer assistance with specific aspects of these projects. These NGOs include the Jasmin Foundation, Kuña Aty, the 25 November collective, the Women's Studies Group, the Centre for the Advancement of Women, the Women Politicians' Network, the Municipal Women's Network, the Lawyers' Association of Paraguay, the Lawyers' Circle of Paraguay, the Coordinating Office for Paraguayan Women, and the Women's Training and Studies Service.

29. Please indicate measures taken to collect disaggregated data for the various groups of children mentioned above.

253. The Technical Planning Secretariat has had a large national database on this subject since 1996, disaggregated according to a set of indicators. There are also some figures produced by the Directorate-General for Statistics, Surveys and Censuses, which is responsible for gathering information on Paraguay's population.

254. The Secretariats of State, including the Ministry of Public Health and Social Welfare, and more specifically the Secretariat for Youth of the Ministry of Education and Worship, keep detailed records on this subject.

30. What measures have been taken to prevent and eliminate attitudes to and prejudice against children contributing to social or ethnic tension, racism and xenophobia?

255. The public and private bodies mentioned above are responsible for measures to prevent and eliminate such attitudes in order to improve the lot of children. NGOs play a leading role in supporting the efforts of the Education Reform Council to publicize and advocate the rights of the child and their protection. In addition, the Reform itself encourages the elimination of discrimination and seeks to secure precisely that equality of rights of all the country's inhabitants stipulated in the Constitution by furnishing free and accessible schooling at all levels, including special education for persons with special needs and indigenous groups.

31. Information should also be provided on the measures pursuant to article 2, paragraph 2 taken to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or family members.

256. The Constitution adopted in June 1992 specifically establishes these rights for all the country's citizens in article 24 ("On freedom of religion and beliefs") and in article 26 ("On freedom of expression").

257. Discrimination against children of divorced parents still exists in practice, particularly in church schools. Pregnant girls are not permitted to continue their studies either in private schools or, more exceptionally, in public ones.

32. Please indicate major problems encountered in implementing the provisions of article 2 and plans to solve these problems, as well as any evaluation of progress in preventing and combating all forms of discrimination, including those arising from negative traditional practices.

258. The main problems are cultural and amount basically to gender discrimination, especially in traditional practices; the situation is worst in the interior, where the prevailing notion is that women's place is in the home, this being understood as covering all household tasks, for which no formal education is required. Another persistent problem is discrimination against indigenous groups, which often live in degrading circumstances. Nevertheless, some schools and workshops have been established for them in their local areas, usually coordinated by NGOs, which do effective work.

259. The incidence of violence in the family is very high, but there are no reliable records since the victims, out of fear or shame, usually do not report such violent incidents. This type of violence claims its daily victims, which commonly include women and children.

260. Where employment is concerned, inequality persists between the wages paid to men and women for equal work.

B. Best interests of the child
(article 3)

33. Reports should indicate whether the principle of the best interests of the child and the need for it to be a primary consideration in all actions concerning children is reflected in the Constitution and relevant national legislation and regulations.

261. All the legislation adopted since the Convention entered into force in Paraguay takes into account the best interests of the child; such legislation includes the Constitution, the Adoption Act, the Civil Code, the Criminal Code, and the Juvenile Code; moreover, the draft Children's Code embodies this principle in its entirety.

34. Please provide information on the consideration given to this principle by courts of law, administrative authorities or legislative bodies, as well as by public or private social welfare agencies.

262. The courts of law attach vital importance to the principle of the best interests of the child, for they put into practice the Convention and the principles set out in the current Juvenile Code. The same cannot be said of the administrative authorities, with the exception of specific bodies such as the Ministry of Education and Worship, which has been promoting the Education Reform and its provisions designed to secure respect for the best interests of the child as a fundamental principle.

35. Please provide information on how the best interests of the child have been given primary consideration in family life, school life, social life and in areas such as:

- **The placement and care of children in institutions**

263. The State and several private bodies have institutions for the placement of children. These care institutions, which do not receive the necessary resources from the State to put into practice the best interests of the child, turn to social organizations in order to be able to achieve this goal in part. And sometimes they work in conjunction with local authorities such as municipal and departmental governments in the interior, bringing particular benefit to rural children.

264. The courts can order neglected children and children at risk to be returned to their parents, guardians or custodians under the supervision of an inspector or to be placed in a care institution. Children aged 12 or over may be placed for a maximum period of two years in a special reeducation establishment. The public prosecutors and the courts also take the best interests of the child into account when having a child placed or cared for in a non-prison institution as a corrective or disciplinary measure when he is homeless or cannot be returned to his parents or relatives because he constitutes a physical or moral danger to them.

265. The draft Children's Code (art. 53) goes even further in respect of the application of protection measures in conformity with the best interests of the child.

- **Budgetary allocations, including at the central, regional and local levels, and where appropriate at the federal and provincial levels, and within governmental departments**

266. Very little attention is given to the best interests of the child in budgetary allocations, for priority is still not assigned to health, education, culture and social assistance, which receive very small allocations; this causes conflicts that may result, for example, in suspension of services or in strikes, mostly by medical and teaching personnel, which have a direct impact on children.

267. It is hoped that the new Government, which takes office next August, will take the best interests of the child into consideration, not only in budgetary allocations but in all its actions, for every present undertaking will have a future harvest in new generations of adults who are today's children.

- **Planning and development policies, including housing, transport and environmental policies**

268. The development of housing, transport and environmental policies is in its infancy. One example of this development is the implementation of a housing programme with a direct IDB subsidy: 15 projects delivering 2,359 housing units have come into being since the start of this programme in 1995.

269. In addition, 6,000 housing mortgage loans have been granted through the National Housing Bank and the institutions of the savings and loan system. Children are indirect beneficiaries of these developments.

270. There is no respect for the needs of children on public transport, as is clearly shown by the ill-treatment to which they are often subjected when they have to take public transport. An awareness campaign is needed in this area. The situation is totally different in private school transport, and it must be assumed that problems of this kind can be solved by parents, for this private transport serves only middle- and upper-class families.

271. In theory, children enjoy half-price travel on public transport, but very few transport workers respect this concession and in practice they are more likely to demand full fare.

272. Environmental conservation projects sponsored both by local authorities and by NGOs have increased in the 1990s. Most of these projects pay attention to the need to care for the environment as a preventive measure for the survival of all mankind, and the younger generations are manifestly active in this area.

- Adoption

273. Article 2 of the Adoption Act (No. 1136/97) states: "Adoption is available as an exceptional means of protecting children and it is a function of the best interests of the child".

- Immigration, asylum-seeking and refugee procedures

274. Paraguay has a tradition of welcoming immigrants, asylum-seekers and refugees, who are protected by the Constitution and a number of specific laws.

- The administration of juvenile justice

275. Juvenile attorneys and the guardianship and correctional courts, in conformity with the principles of the Convention on the Rights of the Child and the United Nations Minimum Rules for the Administration of Juvenile Justice, always bear the best interests of the child in mind when taking decisions affecting juvenile offenders; it is precisely for this purpose that they hold hearings to enable children to express their opinions. But these best interests are not considered during their trials or with regard to their protection when in detention, for cases occur in which children are imprisoned despite their immunity from prosecution. Further information will be found in the section on children in conflict with the law.

- Social security

276. Paraguay's social security system consists of the Social Security Institute and seven independent funds: the Government Fund, the Railways Fund, the Municipal Fund, the Banking Fund, the Parliamentary Fund, the ANDE Fund, and the ITAIPU Fund; they provide members and their families with invalidity and survivor's benefits, but in only some cases payments in respect of incapacity to work, as well as accident, sickness and maternity benefits. In other cases, apart from the services provided by the health facilities of the Ministry of Public Health and Social Welfare, people resort to private or mutual institutions.

277. Children have access to these social security services through a parent beneficiary, but there is no State-funded social security scheme exclusively for children.

36. Information should be included on the measures taken in the light of article 3, paragraph 2, including of a legislative and administrative nature, to ensure children such protection and care as is necessary for their well-being.

278. The deferral of consideration of the draft Children's Code to the next legislative session has delayed the entry into force of a fundamental instrument, whose adoption, with all its good and bad points, is a matter of urgency for the protection of children's rights.

279. As already pointed out, paragraph 34 of the Education Reform constitutes one administrative measure that does take into account the best interests of the child.

37. Information should also be provided on the steps taken pursuant to article 3, paragraph 3, to establish appropriate standards for all public and private institutions, services and facilities responsible for the care and protection of children and to ensure that they conform with such standards, particularly in the areas of safety, health, number and suitability of their staff, as well as competent supervision.

280. All the public and private institutions responsible for the care or protection of children must comply with minimum certification requirements: safety standards, medical staff, a dentist, a psychologist, a social worker, domestic staff, two cooks, three housemaids, and five nursemaids.

281. In addition, these establishments are visited by such organizations as the Volunteer Fire Brigade, which undertakes to instruct the children and the staff about what to do in the event of fire, earthquake, accident, abduction, etc.

282. Where health and safety are concerned, these establishments have personnel trained in first aid, but a child requiring emergency treatment will have to be taken to a medical facility.

283. Staff members do not always receive much training in the principles of the Convention; this depends on the institution's managers.

284. These standards are not in practice supervised; according to the Juvenile Code, this is a matter for the Directorate-General for the Protection of Juveniles.

38. In the light of the legislative and administrative measures taken to ensure the consideration of the best interests of the child, please indicate the main problems remaining in this respect.

285. These are the main problems:

(1) The precariousness of the economic situation, which means that thousands of Paraguayan children, at least, have to work to earn a living and that others have to engage in various "sub-occupations" out of extreme necessity. Furthermore, child prostitution is one of the scourges of Paraguayan society;

(2) The school drop-out rate, especially in rural areas and among the children of farmers, for children constitute farm labour;

(3) It is not a priority policy of the State to ensure satisfactory health services for children;

(4) In some parts of the country there is a lower take-up by children of primary education owing to poor diet and nutrition.

39. Please indicate in what ways the principle of the "best interests of the child" is made part of the training of professionals dealing with children's rights.

286. The country's ruling class has so far not taken cognizance of "the best interests of the child". Although the teacher-training schools and other higher-education institutions do teach this topic, it is unfamiliar to society at large.

C. The right to life, survival and development
(article 6)

40. Please describe specific measures taken to guarantee the child's right to life and to create an environment conducive to ensuring to the maximum extent possible the survival and development of the child, including physical, mental, spiritual, moral, psychological and social development, in a manner compatible with human dignity, and to prepare the child for an individual life in a free society.

287. The right to life is embodied in article 4 of the Constitution and in other articles of title I, section I, chapter 5 ("On torture and other crimes" and "On quality of life").

288. National legislation (Civil Code, Labour Code, Criminal Code, Code of Criminal Procedure) contains specific measures to protect these rights.

289. The Education Reform and its educational programmes emphasize the right to life and are based on a philosophy of ensuring children's comprehensive physical, mental, spiritual, moral, psychological and social development by establishing a framework of respect, harmony and solidarity.

41. Information should also be provided on the measures taken to ensure the registration of the deaths of children, the causes of death and, where appropriate, investigation and reporting on such deaths, as well as on the measures adopted to prevent children's suicide and monitor its incidence and to ensure the survival of children at all ages, including adolescents, and the prevention of risks to which that group may be particularly exposed (for example, sexually transmitted diseases, street violence). Please provide relevant disaggregated data, including on the number of suicides among children.

Deaths

290. The Directorate-General for Civil Registry and the health centres and posts of the Ministry of Health and Social Welfare record the death and the causes of death of all persons in urban areas and they are required to transmit this information to their respective Ministries and to the National Police.

291. In the interior of the country no investigation is carried out except in cases of violent death, and deaths are usually not recorded.

Suicide

292. The main cause of suicide is depression resulting from emotional problems; it is commonest among adolescents. The National Police keeps a register of suicides.

293. The last 10 years have seen a suicide epidemic among the Paí-Tavyterá indigenous people: children and young people aged from eight to 25 have been ending their lives, mostly by hanging. The State has taken no action to combat this phenomenon.

Street violence

294. Although there are no statistics on this subject, there have been cases in recent years of violence among children and even deaths, both in street fights and in connection with "satanism"; such acts of extreme violence are widely publicized in the mass media. The culture of youth gangs is one of the main problems affecting young people, especially in the upper middle class. Most of the incidents are connected with alcohol consumption.

295. There are no governmental measures for tackling these problems. Parents' committees were formed following the deaths of a number of adolescents and since 1996 they have been carrying out sweeps in collaboration with the juvenile courts and the police, personally returning the arrested young people to their parents. One effective measure taken by the National Police, thanks to the intervention of these parents' committees, has been to make sure that adolescents are off the streets by 2 a.m.

296. Where sexually transmitted diseases are concerned, the Marcos Aguayo Foundation (a body fighting against AIDS), in conjunction with the Ministry of Public Health and Social Welfare, the Ministry of Education, universities and local authorities, carries out anti-AIDS and anti-STD campaigns, including talks and the free distribution of contraceptives to adolescents.

D. Respect for the views of the child
(article 12)

42. Reports should indicate how the right of the child to express views freely on all matters affecting him or her, and provision for those views to be given due weight have been incorporated in legislation.

297. The current Juvenile Code does not provide for children's views to be heard, except when they are clearly involved in the case - when they have committed an offence, for example.

298. A child's right to express his opinion is established in the last paragraph of article 40 of the new draft Children's Code: "Children have the right to be heard in any judicial or administrative proceedings affecting them".

299. Similarly, article 3 of the Adoption Act states: "Children aged 12 years or over must consent to adoption".

300. In practice, the juvenile courts do take children's views into account in cases affecting them, on the legal basis of the Convention, and legislation in accord with the Convention will shortly be in place.

43. Please provide information on legislative and other measures taken to ensure the right of the child to express views in a manner consistent with his or her evolving capacities, including in:

- **Family life**
- **School life**
- **The administration of juvenile justice**
- **Placement and life in institutional and other forms of care**
- **Asylum-seeking procedures.**

301. Recent years have seen favourable changes with respect to the possibility for children freely to express their views and be heard in the family context, at school as a result of the creation of students's associations, in local government, and in all other situations in which they have to act. In recent times young people have played a leading pro-active role in society, even taking action for the defence of democracy, as happened in April 1996 when young people came out to defend the democratic process against the threat of a military coup. It may be added that student groups of a cultural, sporting or political nature have proliferated.

302. There are radio and television programmes and press articles with such titles as "Children's voices are being heard". In addition, the Youth Department runs a large number of support, training

and information programmes in collaboration with local authorities and NGOs. One example is the support given to the young entrepreneurs and professionals responsible for the "Opening the Way" youth meetings, which constitute a first step in creating a space for publicity and discussion and for proposals for the integration of young people in the country's economic development, an initiative to be established in a three-year plan.

303. The administration of juvenile justice has already been covered in the preceding section.

304. With respect to placement and life in institutional and other forms of care, children participate by making their suggestions for improving their living conditions.

305. To date, there have no cases of children seeking asylum.

44. Please indicate the opportunities provided for the child to be heard in judicial and administrative proceedings affecting him or her, as well as the situations in which the child can intervene directly or through a representative or an appropriate body (see also para. 34 above).

306. As stated above, children are heard in judicial proceedings affecting them by summons of the judicial agency concerned; they may speak in person or through a legal representative.

307. This does not apply in administrative proceedings, where this right is still not recognized. In the education system, for example, although there are such figures as the student representative, delegate or chairman of the students' association, their opinion is only occasionally taken into account. For example, they do not participate in the design of the curriculum, even though it is intended for them.

45. Please provide information on any bodies or instances where the child has a right to participate in decision-making, such as schools or local councils.

308. As early as the fourth grade of primary, children have a representative in their school, and at the secondary and university levels this function is organized through the students' associations. However, not all schools permit their pupils a part in decision-making; even when they have students' representatives and associations, they are not allowed in practice to take final decisions, as already pointed out.

309. The situation is different with respect to the appointment or dismissal of school or university authorities. In such cases the students usually demand to have a say; they otherwise resort to force, accompanied by their parents.

46. Please indicate what measures have been taken to raise the awareness of families and the public in general of the need to encourage children to exercise their right to express their views, and to train professionals working with children to encourage children to do so, and to give their views due weight. An indication should be given of the number of hours of child development courses provided for the following staff:

- **Judges in general;**
- **Family court judges;**
- **Juvenile court judges;**
- **Probation officers;**
- **Police officers;**
- **Prison officers;**

- **Teachers;**
- **Health workers;**
- **Other professionals.**

310. None of the courses for human rights professionals deals specifically with children's right to express their views. However, a number of these courses address this topic from a general standpoint in conjunction with other rights; such courses include:

- Theory of the comprehensive protection of children, 19 December 1996, four hours duration;

- Special jurisdiction and theory of the comprehensive protection of children, 13-15 November 1996, four hours' duration;

- "Young people in conflict with the law". Awareness-raising talks supported by UNICEF, in the towns of Coronel Oviedo, Pedro Juan Caballero, Encarnación and Caaguazú, October-December 1995;

- "Young people in conflict with the law and prevention of intimidation", 7 September 1995;

- Conference on "Introduction to juvenile criminal law", 16-20 June 1995;

- "Minors", 13 May 1995.

311. This information was taken from the annual report of the Public Prosecutor's Office for 1996.

312. The General Eduvigis Díaz police academy has a human rights department teaching all human rights instruments, including the Convention on the Rights of the Child, each article of which is studied. The NGO Global Infancia also runs courses on the Convention for cadets, non-commissioned and commissioned officers, reaching about 200 members of the police.

313. Prison staff and probation officers do not currently receive any instruction in human rights matters. However, according to the report on the work of the Executive for 1997 a bill is being drafted on the creation of a school for prison staff, on the principle that the rehabilitation of prisoners depends on the capacities of the personnel responsible for managing the prisons and looking after the prisoners; such a school will also facilitate the adaptation of the prison system to the most advanced models.

314. Through its teacher-training programme the Education Reform instructs future teachers in human rights, in particular the Convention on the Rights of the Child, as well as providing refresher courses for serving teachers. It is envisaged that this knowledge will be passed on to heads of families, through the periodic meetings to discuss their children's progress and thus consolidate this process. The Education Reform was introduced in 1993 and today it has reached the fourth grade of basic education; accordingly, these projects are being implemented in stages.

An indication should also be provided of the number of courses about the Convention included in the curriculum of:

- **Law schools;**
- **Teachers training schools;**
- **Medical schools and institutions;**
- **Nursing schools;**
- **Social work schools;**
- **Psychology departments;**
- **Sociology departments.**

315. Since 1994 the law faculty of the National University in Asunción has been teaching human rights in the fourth year; the course takes a comprehensive approach, covering all the international human rights instruments; the class meets twice a week for one hour.

316. As already stated, under the Education Reform the teacher-training schools include in their curriculum practical instruction in human rights, in particular the Convention on the Rights of the Child. The content of each article on the rights of the child is explained, from kindergarten to the fourth grade in one session a week, by means of games and play-acting. Other methods such as collages, posters and wall-charts are also used.

317. The paediatrics departments of medical and nursing schools also teach human rights and encourage the use of posters on children and their rights in consulting rooms and health facilities.

318 In psychology departments this kind of teaching depends on the parent institution; prison-service psychologists, for example, are unaware of the Convention, but this is not true of their counterparts in educational institutions.

319. There is no information on sociology departments.

47. Please indicate how the views of the child obtained through public opinion, consultations and assessment of complaints are taken into consideration in the legal provisions, and in policy or judicial decisions.

320. The official handling the complaint in conjunction with the Juvenile Complaints Department is responsible for attending to the best interests of the child; he transmits the complaint to a juvenile court, which schedules a date for hearing the child; an assessment is made on the basis of the child's statement and a judicial decision handed down. Despite the absence of a suitable national legal instrument (as already pointed out, the current Juvenile Code does not provide for hearing a child's views), the courts still take this approach on the legal basis of the Convention, which forms part of positive domestic law.

IV. CIVIL RIGHTS AND FREEDOMS
(articles 7, 8, 13-17 and 37 (a))

48. Under this section, States parties are requested to provide information on the measures adopted to ensure that the civil rights and freedoms of children set forth in the Convention, in particular those covered by articles 7, 8, 13 to 17 and 37 (a), are recognized by law specifically in relation to children and implemented in practice, including by administrative and judicial bodies, at the national, regional and local levels, and where appropriate at the federal and provincial levels.

321. The Constitution and the codes cited above provide for institutions responsible for taking decisions on the protection of children's rights. One example is the opening of civil registry offices in various parts of the country. Publicity has been given to the rights of the child and to the duty of parents to register their children at birth. In addition, the Community Centre for the Protection of Children (CECODIN) carried out a registration campaign in some districts of Asunción during February 1997.

A. Name and nationality
(article 7)

49. Please indicate the measures taken or envisaged to ensure that every child is registered immediately after birth. Please also indicate the steps undertaken to prevent the non-registration of children immediately after birth, including in view of possible social or cultural obstacles, *inter alia* in rural or remote areas, in relation to nomadic groups, displaced persons, as well as asylum-seeking and refugee children.

322. In recent years the Directorate-General for Civil Registry has opened registration offices in health and health-related facilities, such as the Social Security Institute, the National Maternity Hospital, the Paraguayan Red Cross, the Barrio Obrero Hospital, the Military Hospital, etc. These health facilities provide care for women in childbirth in the capital and nearby towns; the numerous births are immediately registered.

323. Owing to lack of budgetary funds and to staff shortages it is impossible to operate this system in the interior; this is one of obstacles to the registration of children at birth; another problem is the lack of information and publicity about the importance of this right and the duty embodied therein.

324. Lack of awareness is one of the main social obstacles, for especially in the interior several years may pass after a birth without the child being registered. It can even happen that a child's own mother or father is not registered.

325. According to a report of the Churches Committee for Emergency Assistance, refugee children arriving with their parents are registered. Some of them request help in obtaining Paraguayan nationality.

326. Offices have been opened in indigenous settlements, where a previously trained person is appointed to act as civil registry officer and attend to the registration of births in remote districts.

327. The CECODIN programme in Asunción considers, in the light of its experience with work in the community and the incidence of cases, that one of the Convention rights most frequently infringed is the right to a name. It therefore took a double initiative in 1997 in order to make a contribution to the exercise of this right.

328. These two initiatives were:

1. The establishment of a civil registry office for children;

2. A registration campaign in some districts of Asunción: in February 1997 this campaign was carried out in three densely populated quarters (Bañado Tacumbú, Viñas Cué and Bañado San Cayetano). The campaign was organized by the CECODIN programme and community bodies: the Vida Abundante collective, the Health for All mutual assistance centre (CAMSAT), and the Marangatú Rapé municipal school.

These grass-roots organizations found in their areas a high rate of non-registration of children in the Civil Register even though a birth certificate is required for enrolment in school.

329. The main reasons for this phenomenon included:

(a) Women in suburban and rural areas are attended by traditional midwives in their own homes, so that it is difficult to obtain the medical certificate of live birth required for the child's subsequent registration;

(b) The misinformation of parents about the registration fee and procedure. Poor parents are sometimes afraid to register their children because they cannot afford the fee, which is higher when there is more than one child to be registered;

(c) Some parents attach little importance to this kind of document and do not realize how important it is in fact until they go to enrol their children in school.

330. The aim of the registration campaign was to "ensure compliance with the right to an identity for children in Asunción". The following activities were carried out:

- A census of unregistered children not in possession of a birth certificate;
- Approaches to the Civil Registry authorities, who designated staff members to attend the local registration days;
- Measures carried out by the community organizations involved in the registration campaign to pay the registration fee for a number of children from poor families. The fee stipulated by law, with a corresponding fine, may not be waived; this restricts the number children registered;
- Promotional activities carried out during the campaign in the districts themselves and in the mass media.

The campaign secured the registration of 315 children in the three districts.

331. In addition, in December 1997 the Secretariat for Social Action of the Office of the President organized a civil registration and certification campaign under the project "Substitution of begging with babies by an alternative family economic activity", which included individual escorts for the registration of during the campaign week.

332. According to statistics for 1995 and 1996 from the Directorate for Statistics, Surveys and Censuses, the population projections put total births at 154,000 a year in Paraguay. In 1996, 125,578 citizens were registered by the Civil Registry, only 40% of them corresponding to births in 1996 and the remaining 60% to births in previous years - a high percentage of late registrations.

333. Of the national total of 50,032 births in that year, 34% were in the Central Department, followed by 17.3% in Asunción, and 7% in the departments of Alto Paraná and Caaguazú.

50. Please provide information on the measures taken to sensitize and mobilize public opinion on the need for birth registration of children, and to provide adequate training to registry personnel.

334. The Directorate for Civil Registry does not have the resources for a national information, awareness and mobilization campaign aimed at the general public to publicize and emphasize the importance of the immediate registration of births. However, in any interview which it has in the mass media the Directorate does recommend prompt registration and seeks the public's cooperation to improve the civil registration service.

335. The Directorate holds training and refresher days to improve the quality of the services provided by its personnel, but this training is not of the desired frequency or quality. According to the Civil Registry's Director, these days are to be continued during the current year.

336. At the date of drafting this report no kind of campaign for the civil registration of children has yet been carried out.

51. Please also provide information on the elements of the child's identity included in the birth registration and the measures adopted to prevent any kind of stigmatization or discrimination of the child.

337. The last paragraph of article 53 of the Constitution states clearly: "All children are equal before the law. [...] No comment on filiation shall be permitted in personal documents".

338. In addition, the Civil Registry Act (No. 1266/87) establishes as a requirement for a child's registration the production of a medical certificate issued by the professional who attended the birth, which constitutes a means of identifying the child.

339. An application for civil registration must include all the personal data on the child, such as the parents' names, the place and date of the birth, nationality, age, sex, and place of residence.

340. In the interior of the country civil registration personnel are not always available at health facilities to make registrations, and parents are usually ignorant of the procedure for registering their children. Furthermore, many births take place in the home of the mother or the traditional midwife.

341. The Civil Registry Act mentioned above prohibits the use of names which ridicule or mar the child's personality. Article 56 of the Act states: "Civil Registry officials shall not register ridiculous names or names which may lead to error as to the child's sex, or more than three names".

342. With regard to the registration of children of unmarried mothers, article 12 of Act No. 1/92 amending some of the articles of the Civil Code states: "A child born in wedlock shall have the first surname of each parent, and the order of these surnames shall be decided by the parents by common accord. Once an order has been chosen for the first child, it shall be maintained for all the others.

343. "A child born out of wedlock shall have first the surname of the parent who first acknowledges him. If he is acknowledged by both parents simultaneously, they shall have the option set out in the preceding paragraph.

344. "A child acknowledged by only one parent shall have the two surnames of that parent. If that parent has only one surname, it may be used twice.

345. "On reaching the age of majority a child shall have the option, on one sole occasion, of reversing the order of his surnames".

346. Similarly, the draft Children's Code provides that a medical certificate of live birth shall bear the fingerprint of the mother and the footprint of the newborn baby, in addition to the usual information given in such documents. In practice, footprints are taken only in hospitals and other health facilities in the capital but not in rural areas.

52. Please indicate the measures adopted to ensure the child's right to know and be cared for by his or her parents.

347. Article 53 of the Constitution provides the legal framework for the investigation of paternity. The entitlement to such investigation is also established in the provisions of the Civil Code and the current Juvenile Code.

348. The new draft Children's Code establishes the right of children to be raised by their natural parents.

349. Improved registration of children will increase their chances of knowing who their parents are.

350. Chapter IV of the new Adoption Act ("On maintenance of family links") establishes the power of the courts to order all necessary measures for maintenance of family links. In the case of children of unknown parents, all legal recourse must be exhausted and, in particular, a thorough investigation must be carried out to trace the child's biological parents.

351. On 17 September 1997 the Public Prosecutor's Office signed a cooperation agreement with UNICEF and Global Infancia on the start-up of project on the computerization of child adoption records. This will consist of a database to facilitate the monitoring of post-adoption records and searches for the biological parents of children given in adoption.

352. This database will give adopted children and their biological and adopted families access, subject to due procedure, to the information entered in the system from adoption records. The confidentiality of the information is guaranteed; only the persons involved may have access to it.

353. NGOs carry out specific activities to ensure exercise of the right of children to know their parents, but this work is not systematic.

53. Please provide information on the measures adopted pursuant to article 7, paragraph 2, to ensure the child's right to acquire a nationality, in particular where the child would otherwise be stateless. Reference should also be made to the implementation of this right in relation to children born out of wedlock, and asylum-seeking and refugee children. Please indicate the criteria applied for the acquisition of nationality and whether the child is allowed to acquire the nationality of both parents.

354. In order to ensure the exercise of this right through legislation, article 146 of the Constitution states:

> "The following persons have Paraguayan nationality by birth:
>
> 1. Persons born in the territory of the Republic;
>
> 2. Children born abroad to a Paraguayan mother or father, one or both of them being in the service of the Republic;
>
> 3. Children born abroad to a Paraguayan mother or father when the latter settle permanently in the Republic;
>
> 4. Children of unknown parents found in the territory of the Republic.
>
> Exercise of the right mentioned in subparagraph 3 shall be effected by a mere statement by the person concerned, provided that he has reached the age of 18 years. Otherwise, a statement by his legal representative shall be valid until he reaches the age of 18 years but shall then be subject to ratification by the person concerned".

355. Article 147 states: "No Paraguayan by birth shall be deprived of his nationality, but it may be renounced voluntarily".

356. There is no discrimination against children born out of wedlock, for the Constitution itself accords them the same rights and duties as children born in wedlock, and no comment on their status is permitted in personal documents.

357. Similarly, the Constitution does not discriminate in any way against asylum-seeking and refugee children, for article 148 states:

> "Foreigners may obtain Paraguayan nationality by naturalization if they satisfy the following requirements:
>
> 1. Attainment of the age of majority;
>
> 2. Minimum of three years' residence in the national territory;
>
> 3. Regular exercise in Paraguay of some profession, occupation, science, art or industry; and
>
> 4. Good conduct, as defined by law".

358. Article 149 states: "Multiple nationality may be permitted under an international treaty or by reciprocal arrangements at the constitutional level between the State of birth and the adopted State".

359. According to the Constitution, the criterion of nationality is jus soli; in other words, nationality is determined by place of birth. This criterion means that a child may not have the nationality of both parents if one is of a different nationality from the other. Dual nationality is possible when the parents are Paraguayans living abroad.

360. Children of emigrant parents who on their return cannot register the children because they do not have documents from the place of birth are accorded Paraguayan nationality.

B. Preservation of identity
(article 8)

54. Please indicate the measures adopted to preserve the child's identity and to prevent any unlawful interference. In the case of the illegal deprivation of some or all of the elements of the child's identity, reports should also indicate the measures adopted to provide appropriate assistance and protection to the child and ensure the speedy re-establishment of his or her identity.

361. When a juvenile guardianship court is dealing with a case of deprivation of identity in which several possible parents are claiming the same child, it carries out as thorough an investigation as possible, even ordering blood samples to be taken for DNA identification to determine the child's biological origins for certain. There are no specific measures for protecting children's right to an identity in general terms, but such protection is provided in individual cases.

362. As stated above, footprints are currently taken in hospitals and clinics in the capital but not in rural areas.

363. One specific example is the case of the Bianco brothers, victims of the military dictatorship in Argentina in the 1970s. The Abuelas de Plaza de Mayo initiated proceedings to re-establish the boys' identity, even applying to international agencies because of the slowness of the Paraguayan justice system. The Government took proceedings to extradite the alleged parents from the Argentine Republic. The judicial authorities in Buenos Aires have requested that the boys should take a blood test to determine their origins and the identity of their biological parents.

364. Article 221 of the Criminal Code, which was to have entered into force in November 1998, establishes the falsification of civil status as a crime:

> "1. Anyone who makes a false declaration to a competent authority concerning matters affecting the civil status of another person shall be punished by deprivation of liberty for up to three years or by a fine.
>
> 2. Attempted falsification of this kind shall also be punished".

C. Freedom of expression
(article 13)

55. Please provide information on the measures adopted to ensure the child's right to freedom of expression, including to seek, receive and impart information and ideas regardless of frontiers. Reports should also indicate the restrictions to which the exercise of this right may be subject in conformity with article 13, paragraph 2.

365. Recent years have seen an improvement in the possibilities for children to express themselves freely and to be heard at home and at school, in sporting, political and trade-union activities, etc. The number of student and youth associations has increased considerably. However, there are still some pockets of authoritarianism where vertical disciplinary systems are used, and initiative, the right to dissent, and the freedoms of expression and association are condemned.

366. Although the right to freedom of expression is beginning to establish itself, it will not be fully effective without a new awareness and shift of attitude in society, which will require a full-scale revolution in the medium term.

367. One group of young people played a major pro-active role in society recently, when it took its own action in defence of democracy in April 1996. This group came out to defend the democratic process against the threat of a military coup.

368. A number of important spaces have been opened up in recent years and, although private initiatives, they do play a leading role; they include radio programmes, mainly broadcasts by community radio stations aimed specifically at young people, such as Radio Rebelde of the Casa de Juventud, FM Trinidad, FM Lambaré, and "Children's voices are being heard" on Radio Cáritas. There are also several television programmes of this kind, and the newspapers Ultima Hora, ABC Color, and Noticias publish cultural supplements for young people. The Youth Department runs many support, training and information programmes for young people, in coordination with local authorities and NGOs. One specific example is the support given to the young professionals and entrepreneurs responsible for organizing the "Opening the Way" youth meetings, which constitute a first step in creating a space for publicity and discussion and for proposals for the integration of young people in the country's economic development; these activities will be formalized in a three-year plan.

369. Another important initiative was the work of the National Centre for the Protection of the Rights of the Child (CENADI), the Coordinating Office for the Rights of the Child, the Children and Youth Department of the municipality of Asunción, and UNICEF in connection with the official initiation of Rights of the Child Week in August 1997; this event was formally established in Paraguay by Executive Decree No. 5039 of 1994.

370. The Week celebrates all Paraguayan children and encourages discussion of the need for their rights to be recognized as rights of individual members of society and not just as rights of members of a family, home or institution.

371. The focus on freedom of expression was developed with the aid of teaching materials in 1,240 schools throughout the country and, to quote the opening statement by the representative of CENADI: "Knowing how to listen to [children] is the way to acknowledge that they are persons, knowing how to listen to them is to accept their right to express themselves, to accept that they are other people". The representative of the Executive stated: "No right of the child is more important than any other. We are aware as a Government that in order to ensure exercise of the rights of the child we must take action and do much more, and above all do much better".

372. Another initiative to promote children's right to freedom of expression was the "Mita Iru" pro-active schools project of the Ministry of Education and Worship. This experiment began in 1995 in some 10 rural multigrade schools (having one teacher in charge of several grades). Today it involves 50 schools in various parts of the country; the aim is to adapt schools to the national reality and the economic situation in each locality in order to cut the high drop-out and repeated-year rates; the project is part of the programme to enhance the quality of education in support of the Education Reform.

373. The project has the technical and financial support of IDB and UNICEF.

374. Under this project the curriculum must be adapted to the pupils' actual socio-economic situation; they take control of their learning, and the teacher becomes a facilitator. The pupils develop their self-teaching capacity through the use of suitable teaching materials. In addition, the curricula are module-based in order to enable children to suspend their attendance for a while and return later; this is an adaptation to children's life in rural areas, especially at harvest time. These pro-active schools also seek to encourage democratic participation; every school has a governing board in which the chairmanship is exercised by a pupil elected by his classmates for a one-year term.

375. Children's right to freedom of expression is also established in the last paragraph of article 40 of the new draft Children's Code: "Children have the right to be heard in any judicial or administrative proceedings affecting them". The current Juvenile Code does not provide for a child to be heard, except in cases clearly affecting him, for example when he has committed an offence.

376. Article 3 of the Adoption Act states: "Children aged 12 years or over must give their consent to adoption". In practice, the juvenile courts do take a child's opinion into consideration in cases affecting him, acting on the legal basis of the Convention until the draft Children's Code enters into force.

377. There have been no cases to date of children seeking asylum.

378. The Directorate-General for Human Rights, in conjunction with the Jasmin Foundation of the Office of the First Lady, has set the specific goal of encouraging the training of multiplier agents to work with young people and teachers in an effort to disseminate and gain support for the concept of the universal values underlying a culture of peaceful coexistence, one of the main pillars of which is freedom of expression.

379. The plan is to run some 96 courses for 40 pupils each over a period of eight months, thus reaching 3,840 secondary pupils.

380. For the development of the conceptual framework the intention is to produce teaching manuals to introduce the topic of the application of the Convention and the other international human rights instruments, with broad participation by young people, who will ultimately become multiplier agents.

381. In addition, CODENIS (a grass-roots body) has been focusing its attention on creating groups of children's advocates. In 1997 it began to train youth leaders and groups of children, called "Cecodines", who join forces to protect their rights. These groups, which were to be in place for 1998, constitute an important axis of the programme for the attainment of the established goals.

D. Freedom of thought, conscience and religion
(article 14)

56. Please provide information on the exercise of the right to freedom of thought, conscience and religion by children, and the extent to which the child's evolving capacities are taken into consideration.

382. The Constitution and the legislation adopted by the National Parliament recognize and embody the freedoms of worship and belief with no more restriction than those established by law.

383. Although these rights are established in positive domestic law and despite a greater freedom of worship, Paraguayan society is Catholic by tradition, and this very strong characteristic can be seen in the continuing isolation of families professing some other religion.

57. Please indicate the measures adopted to ensure the child's freedom to manifest his or her religion or beliefs, including with regard to minorities or indigenous groups. Information should also be provided on measures to ensure respect for the child's rights in relation to any religious teaching in public schools or institutions, as well as on any limitations to which this freedom may be subject in conformity with article 14, paragraph 3.

384. The spirit of the Convention implies total freedom of religious teaching within a framework of respect for public order, morals and good habits, as well as for the rights of others. Private institutions enjoy the freedom to teach religion, within the context of the curricula and programmes established for basic, secondary and university education; public schools do not provide any religious instruction.

385. Religious education is not part of the curriculum. Primary and secondary church schools give religious instruction according to their own faith and doctrine.

386. Church schools, at all levels and of every type, teach religion as a classroom subject.

387. There is no discrimination whatsoever in public education, regardless of difference of religion, belief or conviction; as religion is not a compulsory subject, each school can teach religion as it wishes, on the basis of respect for the freedom of worship in accordance with the principles of the Constitution.

388. School curricula and textbooks deal with the freedom of religion in the context of the Constitution and the United Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Efforts are currently being made to adapt the curricula to the ideas of equity, access and respect for human dignity in all matters connected with human rights.

E. Freedom of association and peaceful assembly
(article 15)

58. Please indicate the measures adopted to ensure the child's right to freedom of association and peaceful assembly, including any specific legislation enacted to establish the conditions under which children are allowed to create or join associations. Please also indicate any restriction that may be placed on the exercise of these rights, in conformity with article 15, paragraph 2. Information should also be provided on existing children's associations and the role they play in the promotion of children's rights.

389. The Constitution establishes the freedoms of expression and of association. The draft Children's Code establishes the right of children to express themselves at their various gatherings, the freedom of thought, conscience and religion, the right of association for peaceful purposes, and the right of peaceful assembly.

390. In practice there is a wide diversity of children's and youth organizations engaging in cultural and social activities, such as the Casa de Juventud, which has a community radio station, Radio Rebelde, and a bi-monthly magazine, Tokorré. There are other organizations such as the Boy Scouts, Pastoral Social, Junior Rotary and Lions, as well as groups of young entrepreneurs, conscientious objectors, craft workers, etc.

391. With regard to children's organizations, the 1997 NGO report notes that the Organization of Child Workers has held a number of meetings to discuss its situation and share its experience with child workers from other towns. It has been supported by the Coordinating Office for the Rights of the Child in the shape of the street teachers of the NGO Callescuela and the Rosa Virginia home. These activities have enabled child workers to consolidate their own organizational efforts.

392. There are to date no specific statistics on children's and youth organizations.

F. Protection of privacy
(article 16)

59. Please indicate the measures adopted to prevent any arbitrary or unlawful interference with the child's privacy, family, home or correspondence, as well as any attack on his or her honour and reputation. Please provide information on the protection provided by the law against such interference or attacks, and the remedies made available to the child. Information should also be provided on specific measures adopted for children placed in institutions for treatment, care or protection, including in judicial or administrative proceedings.

393. Only legislative measures are available for the protection of this right; for example, article 33 of the Constitution states:

> "The confidentiality of personal and family relations and respect for privacy are inviolable. A person's conduct, provided that it does not affect the public order established by law or the rights of others, is not a matter for the public authorities. The right to the protection of personal privacy and dignity and self-image is guaranteed".

394. Article 266 of the Juvenile Code contains a prohibition on all publicity in connection with proceedings involving children. If this provision is violated, the penalty shall be a fine of up to 30 days of the minimum wage or detention for up to 10 days, which may take the form of house arrest.

395. Article 41 of the draft Children's Code ("On the right to privacy") states: "Children have a right to privacy. Children may not be subjected to arbitrary or illegal interference in their private life, family, home or correspondence or be exposed to attacks on their honour or reputation".

396. Attention must be drawn here to the conduct of some members of the press who, in their eagerness to obtain more information, interfere arbitrarily in the private life of children actively or passively involved in a crime, publishing their names and photographs and in most such cases condemning child offenders even before they have appeared in court.

397. Article 232 of the Juvenile Code refers to children in a state of neglect or danger and the measures to be taken in this connection by the correctional courts, which order either return to their parents or other persons legally responsible for them, subject to a caution and under the supervision of an inspector, or placement in the care of a person who satisfies the requirements of honesty, good habits and capacity to supervise their upbringing, or placement in a special institution.

398. And article 336 states: "The juvenile courts shall make bimonthly visits to the establishments of the Directorate-General for the Protection of Juveniles".

399. In practice, there is no effective coordination between governmental institutions and the juvenile courts to ensure the full implementation of this article.

400. However, article 182 of the draft Children's Code states: "The place of detention shall be visited and evaluated periodically by the juvenile court and its auxiliary personnel".

401. It is the task of the State to ensure strict compliance with the law. It is hoped that once this new Code enters into force the monitoring arrangements established in article 182 will be effectively applied.

G. Access to appropriate information
(article 17)

60. Please provide information on the measures adopted to ensure that children have access from a diversity of national and international sources to information and material aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health. Please also indicate the measures adopted to encourage:

- **The production and dissemination of children's books, and the dissemination by the mass media of information and material of social and cultural benefit to the child, with particular regard to the linguistic needs of children belonging to a minority group or who are indigenous;**

- **International cooperation in the production, exchange and dissemination of such information and material of social and cultural benefit for the child, in accordance with the spirit of article 29 of the Convention on the aims of education, including any international agreements concluded for that purpose;**

- **The development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, as well as from harmful exposure in the mass media, bearing in mind the provisions of articles 13 and 18.**

402. Article 27 of the Constitution states:

> "The use of the communication media shall be in the public interest; therefore, such media may not be shut down or have their operations suspended. No discriminatory practice shall be permitted in the provision of material for the press, there shall be no interference with radio frequencies and no obstruction, in any way whatsoever, of the free circulation, distribution or sale of periodicals, books, reviews or other publications having a responsible management or authorship. Pluralism in the communication media is guaranteed. The law shall regulate advertising in order to provide the best protection of the rights of children and young people, the illiterate, consumers and women".

403. In practice there is a clash of interests and a contradiction between the advertising market and the effective protection of children's rights.

404. Article 28 ("On the right to information") states:

> "The right of people to receive true, responsible and balanced information is recognized.

405. "The public sources of information are free to all. The law shall regulate the modalities, periodicity and authorization of such information in order to render this right effective".

406. The specific access of children to appropriate information is not addressed expressly. The Juvenile Code does not mention the right to information as a right of the child. It is more a matter of protection than of access to information that children who regularly buy or sell pornographic books, magazines or pictures or other items of pornography are presumed to be at risk.

407. Article 48 of the draft Children's Code states:

> "Magazines and other publications and radio and television programmes intended for children may not include any form of advertising of alcoholic beverages or other substances which

produce physical or mental dependence, or cigarettes, weapons or ammunition, and they must respect the ethical and social values of the individual and the family".

408. Article 49 continues:

> "In no case shall children be permitted to take part in the elaboration, production or distribution of pornographic material or in any activity connected with sexual commerce. Access by children to the exhibition of pornographic material is expressly forbidden".

409. The Chamber of Senators has adopted with amendments a bill regulating the advertising of tobacco and alcoholic beverages. According to this text, such advertising may not appear on television between 6 a.m. and 8 p.m., except during the midday news and in political, economic and social programmes for adults.

410. Advertisements in the press may not occupy more than nine square centimetres of space. Radio and television spots may not exceed 30 seconds or a daily frequency of 10 showings per brand and product and per medium.

411. The Ministry of Public Health and Social Welfare puts out messages on television and radio and in the press, both in the capital and in the departments, concerning the prohibition of the sale of tobacco and alcoholic beverages to under-age children.

412. Compliance with this ban is relative; it is applied effectively in only a few places. There is no checking of children's ages to determine whether they are under age.

413. There are also regulations restricting the exhibition of photographs of violent scenes in the press or on television.

414. Another inevitable fact is the dissemination of information on the Internet by way of pornography pages, the purchase of sexual services, and sex tourism, which originate in countries of the North in a system which imposes neither standards or regulations in this area.

415. With regard to the promotion of children's books, the Ministry of Education and Worship organizes story-writing and poetry competitions for children and young people in schools, awarding prizes such as books and certificates of achievement at academic events; sometimes, in order to encourage participation, a poetry competition will be held just before a national festival and the poems read aloud at an event on the day itself.

416. There is also an international agreement with Spain, called "La Ruta Quetzal", which encourages young people to join in learning about the route taken by Christopher Columbus when he discovered America. This is an annual event, and entry is by means of a test of general culture organized by the Paraguayan Foreign Ministry and the Spanish Embassy.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment
(article 37 (a))

61. Please indicate whether torture or other cruel, inhuman or degrading treatment or punishment of children is punished by the criminal law, and whether complaint procedures have been established and remedies made available to the child. Please also provide information on:

- **Awareness campaigns launched to prevent torture or other cruel, inhuman or degrading treatment or punishment of children;**
- **Educative and training activities developed, particularly with personnel in institutions, services and facilities working with and for children, aimed at preventing any form of ill-treatment;**
- **Any cases where children have been victims of any such acts;**
- **Measures adopted to prevent the impunity of perpetrators, including by investigating such cases and punishing those found responsible;**
- **Measures adopted to ensure the physical and psychological recovery and reintegration of children who have been tortured or otherwise ill-treated;**
- **Any independent monitoring system established.**

417. Article 5 of the Constitution states:

> "No one shall be subjected to torture or to other cruel, inhuman or degrading punishment or treatment. Genocide and torture, as well as forced disappearances, kidnapping and murder for political reasons, shall not be subject to prescription".

418. Chapter VI of the new Criminal Code deals with crimes against minors; its article 134 states:

> "A person legally responsible for the education, guardianship or care of a child aged under 16 years who subjects this child to severe mental suffering or severe and repeated maltreatment, or damages his health, shall be sentenced to deprivation of liberty for up to two years or to a fine, except when the offence is punishable under article 112".

Article 112 states:

> "(1) A sentence of deprivation of liberty for up to 10 years shall be imposed on a person who deliberately or consciously with injury:
>
> 1. Places his victim in mortal danger;
> 2. Seriously maims him or inflicts lasting scars on him;
> 3. Severely impairs the use [...] of his body or senses, his capacity to cohabit and reproduce, his physical strength or mental powers, or his capacity to work;
> 4. Causes him a serious or distressing illness;

> (2) A person who in knowledge of what he is doing inflicts grievous physical maltreatment or injury on another person and thereby causes one of the results referred to in paragraph (1) shall be sentenced to deprivation of liberty for up to five years. Attempts to commit these offences shall also be punishable".

419. In Paraguay children have recourse to a procedure of complaint, made directly or through a representative, to the Complaints Department of the Public Prosecutor's Office, which was created in July 1997 to receive complaints of violation of the rights of children and young people aged up to 20 years who are victims of an offence. When an offence has been committed by a child complaints are receivable about children aged up to 14. Such complaints are examined with the help of a juvenile attorney before submission to a juvenile guardianship or correctional court.

420. The provision of comprehensive assistance (psychological, social and legal) to victims is the responsibility of the Department for Assistance to Victims of Crime. According to the Public Prosecutor's draft report for 1997, most assistance of this kind is furnished to females: out of a total of 1,703 victims 1,205 were girls aged six to 15 years who had suffered ill-treatment, bodily injury or other physical or psychological aggression.

421. A similar function is performed by the Community Centre for the Protection of the Rights of the Child (CECODIN) of the municipality of Asunción, which helps victims with their physical and mental rehabilitation. According to a CECODIN statistical report, 18% of its cases involved ill-treatment and 84% occurred within and the remainder outside the family.

422. No awareness campaigns are known in this area.

423. The immediate punishment of the perpetrators is impeded by the ingrained slowness of legal proceedings. Relatively long periods usually elapse between the incident, the arrest, and the punishment of the guilty party.

424. The Centre for Judicial Investigation was established in 1993 in the Public Prosecutor's Office to follow cases up and assist the juvenile attorneys by conducting investigations to produce evidence to support the charges. In this work the Centre enjoys the support of the National Police throughout the country.

425. The main interventions in 1997 consisted of 59 cases of rescue or return of children, 38 cases of verification of the situation of children, and 30 cases of night raids on brothels.

426. The Public Prosecutor's Office, as the body representing society in the jurisdictional organs of the State, acknowledges the existence of discrimination against and violation of the rights of women. It has a Women's Department, which serves as an advisory body for the alternative solution of conflicts affecting women and girls, furnishing assistance and psychological support, in particular to victims of any kind of violence. The long-term aim is to make the many people closely involved in the judicial system more aware of the seriousness of the problem of violence in the family and the need for its effective treatment in coordination with the other governmental agencies working to inform various sectors of society about legal advances with respect to women's rights, the importance of their exercise, and the existing means for finding an appropriate solution to this problem. The Department also seeks to increase participation in the various public programmes connected with the gender perspective and contributing to the elimination of discrimination against women, and to coordinate with NGOs in this area.

427. The following numbers of cases were dealt with in 1996: 334 cases of physical or mental abuse (37.9% of the total); 227 cases of interviews and mediation with aggressors (25.7%); and 319 referrals to other agencies (36.2%). Forty% of the victims in these cases were adolescent females.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (articles 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39)

A. Parental guidance
(article 5)

62. Please provide information on family structures within the society and indicate the measures adopted to ensure respect for the responsibilities, rights and duties of parents or where applicable the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide appropriate direction and guidance to the child, further indicating how such direction and guidance are consistent with the child's evolving capacities.

428. The Constitution stipulates and advocates the comprehensive protection of the family, including the stable union of a man and a woman, their children and the community constituted with any of their ascendants or descendants (art. 49). Articles 53 and 54 also refer to the obligation of parents towards their children and to the protection of children.

429. Paraguay's civil legislation addresses the institution of matrimony, understood to be an act of union between a man and a woman when there are no legal impediments to such act. It also recognizes de facto union, understood to be a public and stable extramarital union between persons having the capacity to contract marriage (Civil Code, art. 217).

430. According to the national population and housing census carried out in 1992 by the Directorate-General for Statistics, Surveys and Censuses, there were 863,990 families with a male head of household; 622,866 of these men lived with a legal or common-law wife and the others without a partner.

431. There were 180,047 women heads of household; 25,878 of them lived with a legal or common-law husband and the others without a partner.

432. Men and women have the same rights and the same legal capacity within marriage, subject to limitations deriving from considerations of family unity and the differentiation of their respective functions in society (Civil Code, art. 153).

433. Article 4 of the Juvenile Code states: "This Code accords the legal means for ensuring responsible parenthood and protects maternity in order to secure the comprehensive protection of children".

434. The new Criminal Code, which is to enter into force on 1 November 1998, provides that failure to comply with the legal duty of maintenance of a child or causation of any deterioration in his living conditions, or failure by another person to fulfil this obligation, shall be punishable by deprivation of liberty for up to two years or by a fine. The offence is aggravated if a judicial order or decision had previously been handed down, and the term shall be increased to five years.

435. Paraguayan society has diverse social strata, and there is ample freedom for people to form family structures without any restriction.

436. With regard to the measures taken to ensure respect for the responsibilities of parents or other persons legally responsible for children, State agencies are taking the measures described below, which are still at an initial stage.

437. It is legally established that education shall be free at all levels in order to render it accessible to all the country's inhabitants without distinction. According to information from the Department of Basic Education of the Ministry of Education and Worship, in the interior of the country the regional supervisors locate children of school age who cannot attend school for reasons of extreme poverty with a view to helping them by means of education grants. The Department offers scholarships or half-scholarships in private institutions, which are obliged to provide this kind of service for children of poor parents. There are no statistics to support this information.

438. The Instituto del Mañana runs assistance programmes for the families of children in conflict with the law in order to teach them about their rights and duties, mainly with respect to their children's upbringing. This teaching exercise runs in parallel with the instruction given to children placed in the Instituto and their training in various occupations with a view to social reintegration, either with their parents or with some other designated person. The Instituto deals only with boys and it is the only body offering this kind of programme.

439. Children who have been abandoned or orphaned and placed in a home such as the National Children's Home receive support from a group of young volunteers running early-stimulation activities, religious groups, and the juvenile courts, which furnish guidance on the rights and duties of the person legally responsible for such children - in this case the director of the home in question, who additionally requires the authorization of a court for any kind of activity for the children. There are also a paediatrician, social workers, a psychologist and nursemaids.

63. Please indicate any family counselling services or parental education programmes available, as well as awareness campaigns for parents and children on the rights of the child within family life, and training activities provided to relevant professional groups (for example, social workers) and indicate if any evaluation has been made of their effectiveness. Please also indicate how knowledge and information about child development and the evolving capacities of the child are conveyed to parents or other persons responsible for the child.

440. The Education Reform programme provides for instruction in the rights of the child for teachers by means of special courses as well as in general teacher-training, so that teachers may in turn become trainers and impart knowledge of the principles of the Convention to children and parents at periodic meetings for the discussion of the situation of the children and topics connected with their rights, with a view to their participation in and support for this process of publicizing human rights.

441. The aims of the Mita Róga non-school initial education programme are to provide guidance and training for parents in the stimulation and training of their children from birth, in and outside the home, to consolidate family unity, to make parents aware of the importance of their role as their children's first teachers, to furnish useful information about health, diet and enhancement and conservation of the family's social environment, and to educate children in the principles and values set out in the Convention.

442. The psychology course at the University of the North and the juridical science course at the National University also address the subject of human rights, including the development of the rights of the child.

443. Juvenile attorneys and the Department for Assistance to Victims of Crime also furnish assistance to parents and other persons legally responsible for children if the children exhibit "behavioural irregularities such as running away, drug-taking, violence, etc".

444. In addition, the Family Department of the National Police tries to help parents, not only with respect to their children but also in matrimonial conflicts, when the police act as conciliators.

445. Asunción newspapers such as ABC Color, Noticias and Ultima Hora publish supplements on women, the family, and children, which deal with such topics as conflicts and their resolution and make psychological recommendations; there are also question-and-answer sections on this topic.

446. Another initiative has been taken by the Social Welfare Department of the Ministry of Public Health and Social Welfare, whose social workers provide assistance services to extremely poor families focused on the care of their children, especially in matters of health and hygiene, including reproductive health, in order to eradicate uninformed practices harmful to children.

447. In their consulting services paediatricians offer information to parents on all matters connected with the care of children up to age 14, including health, hygiene, diet; they also give guidance on discipline in the light of the child's age and psychological maturity.

64. Information should also be provided on the measures adopted to ensure respect for the principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible, as well as on the progress achieved in the implementation of article 5, any difficulties encountered and the indicators used.

448. The measures taken to protect these rights have been described in earlier sections. In terms of difficulties, discrimination occurs in practice in the various spheres of the country's life. In health, for example, there is no State-funded medical service exclusively for children. Children may attend national hospitals, which have paediatrics departments, but these departments are inadequate because they lack the necessary medical equipment to deal with emergency cases. In emergencies people turn to private hospitals, and it is up to the family to find a way to meet the cost of treatment.

449. In education, the State has not got the necessary infrastructure to provide special schooling for disabled children at the level of the programmes for normal children.

450. Furthermore, despite the existence of students' associations their opinions are not taken consistently into consideration. For example, students are not consulted about curriculum design even though they are the end-users.

451. One place in which the best interests of the child and the principles of the Convention in general are taken into account, or where at least this approach is encouraged, is in the juvenile courts of the Asunción jurisdiction. The best interests of the child are given consideration in the courts' decisions and rulings, and children are accorded a hearing for this purpose, depending on their age and maturity.

452. This situation does not obtain in the interior of the country, for there the courts do not have differentiated functions. It is usually the civil courts which hear juvenile cases, and out of ignorance of the Convention they give priority to other matters.

B. Parental responsibilities
(article 18, paras. 1-2)

65. Please provide information on the consideration given by law to parental responsibility, including the recognition of the common responsibilities of both parents in the upbringing and development of the child and, that the best interests of the child will be their basic concern. Also indicate how the principles of non-discrimination, respect for the views of the child and the development of the child to the maximum extent, as provided for by the Convention, are taken into account.

453. Article 53 of the Constitution ("On children") states:

> "Parents have the right and duty to care for, maintain, educate and protect their minor children. They shall be punished by the law if they fail to fulfil their maintenance obligations. Children who have reached the age of majority have an obligation to assist their parents if necessary. The law shall regulate the assistance which must be furnished to families with many children and to women heads of family. All children are equal before the law. The law shall facilitate the investigation of paternity. No comment on filiation shall be permitted in personal documents".

454. Article 54 ("On the protection of children") states:

> "The family, society and the State have an obligation to ensure children's harmonious and comprehensive development and the full exercise of their rights, protecting them against neglect, malnutrition, violence, abuse, trafficking and exploitation. Anyone may require the competent authority to enforce these guarantees and punish violators. In the event of a conflict, the rights of the child shall prevail".

455. Article 55 states: "Responsible paternity and maternity shall be protected by the State, which shall promote the creation of the necessary institutions for this purpose".

456. Article 4 of the Juvenile Code states:

> "The State shall ensure the fulfilment of the rights and obligations of parents with respect to their minor children, establishing the legal means for the exercise of responsible paternity and protecting maternity in order to guarantee the comprehensive protection of children".

In a similar vein, article 339 states: "In the event of a conflict between the provisions of other laws and the provisions of this Code, and in the application of this Code, the provision more favourable to the child shall always prevail".

457. The shift from an authoritarian regime to a democratic system has had various effects for Paraguay; one feature of the new situation is the country's scant experience of living in freedom in both its aspects: responsibility and freedom; freedom and limits. Adults do not know how to manage their freedom, and this situation is producing serious problems for the responsible upbringing of children.

66. Please provide information on the measures adopted to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, as well as on the institutions, facilities and services developed for the care of children. Information should also be provided on specific measures adopted for children from single-parent families and belonging to the most disadvantaged groups, including those living in extreme poverty.

458. One of the measures of assistance to parents and other persons legally responsible for the upbringing of children is the counselling given by the rota juvenile judges and attorneys in the course of their duties. They talk to parents and other family members and advise them about the rights of the child. They also assist neighbours who come to report matters detrimental to the rights of the child.

459. CECODIN performs a similar advisory function with the support of juvenile attorneys, who undertake to give training talks for members of CECODIN. This kind of assistance is normally furnished to poor families which cannot afford the services of a lawyer.

460. There are other institutions responsible for the care of children, such as the welfare centres for children and the family (CEBINFA) of the Social Welfare Department of the Ministry of Public Health in the cities of Asunción, Concepción, Hernandarias, Paraguarí and Misiones, which have funding from the World Bank. Their programme offers day-care facilities for children aged under five whose mothers are poor.

461. Their objectives include the provision of a comprehensive service, including health care and advocacy, psycho-affective treatment, and early stimulation for infants, as well as initial education, which may be formal or informal since not all of the centres have an infants teacher.

462. The CEBINFA programme is aimed in particular at women from vulnerable groups, such as domestic workers and manual and own-account workers. This programme is not intended to take the place of day nurseries. There are currently 30 of these centres in operation, catering for 2,300 children.

463. A number of residential homes also offer boarding care during the week for children up to age 14, who return home for the weekend. There are at present five such homes in the capital, catering for 250 children.

464. There is also the Mita Róga national programme of non-school education.

67. Relevant disaggregated information (for example, by gender, age, region, rural/urban areas and social and ethnic origin) should be given on children having benefited from any of these measures and resources allocated to them (at the national, regional and local levels, and where appropriate at the federal and provincial levels). Information should also be provided on progress achieved and difficulties encountered in the implementation of article 18, as well as on the targets set for the future.

465. There are no statistics on this subject.

C. Separation from parents
(article 9)

68. Please indicate the measures adopted, including of a legislative and judicial nature, to ensure that the child is not separated from his or her parents except when such separation is necessary for the best interests of the child, as in cases of abuse or neglect of the child or when the parents live separately and a decision must be made as to the child's place of residence. Please identify the competent authorities intervening in these decisions, the applicable law and procedure and the role of judicial review.

466. The legal framework consists of the following provisions: The Constitution, articles 49-54 of which address the family and the protection of children; and Paraguay has ratified the following international conventions:

Convention on Civil Aspects of the International Child Abduction (Act N. 983/96);

Inter-American Convention on International Traffic in Minors, adopted on 18 May 1994 in Mexico;

Inter-American Convention on the International Return of Children (Act No. 928/96).

467. Article 5 of the Juvenile Code states: "A minor may not be separated from his family except in special circumstances for his protection".

468. The last paragraph of article 8 of the draft Children's Code states: "A lack or shortage of material resources shall in no case justify the separation of a child from his family or the suspension or loss of parental authority".

469. The usual procedure is that children are not separated from their parents except when they have been subjected to sexual abuse, ill-treatment or serious threats and their basic rights have been infringed. In such cases the corresponding complaint is lodged, either for sexual abuse or other ill-treatment, first with a juvenile court and then with the duty prosecutor or the attorney providing legal assistance for the poor. Complaints may also be lodged with the Juvenile Complaints Department, the National Police, the National Centre for the Protection of the Rights of the Child (CENADI) of the Ministry of Public Health, and the Community Centre for the Protection of Children (CECODIN) of the municipality of Asunción.

470. Proceedings are then initiated, with all their consequences. The best thing is for the child to be removed from the harmful situation and placed in a foster home which will provide him with a suitable and tranquil affective environment and the necessary care for the comprehensive development of his personality. The "guarda" (judicial placement office) is responsible for the placement of such children.

471. The courts are the competent authority for preventing the separation of a child from his family or for ordering separation in the necessary cases mentioned above.

69. Please provide information on the measures taken pursuant to article 9, paragraph 2 to ensure to all interested parties, including the child, an opportunity to participate in any proceedings and to make their views known.

472. Article 43 of the Juvenile Code (now repealed by the Adoption Act approved on 22 October 1997) stated that the child's consent to adoption was required if he was aged over 16 years.

473. Article 3 of the Adoption Act states specifically: "Children aged 12 years or over must consent to adoption".

474. In practice, the juvenile courts do take the opinion of the child into consideration in matters affecting them, on the basis of the Convention on the Rights of the Child.

475. A child's right to express his opinion is established in the last paragraph of article 40 of the draft Children's Code: "Children have the right to be heard in any judicial or administrative proceedings affecting them".

70. Please indicate the measures adopted, including of a legislative, judicial and administrative nature, to ensure that the child who is separated from one or both parents has the right to maintain personal relations and direct contacts with both parents on a regular basis, except if it is contrary to the best interests of the child. Please further indicate the extent to which the views of the child are taken into consideration in this regard.

476. In the terms of Act No. 119/91 amending article 98 of the Juvenile Code:

> "If the parents do not live together, parental authority shall be exercised by the parent having custody of the child, but the other parent shall enjoy the right to visit the child and take a part in his upbringing" (antepenultimate paragraph).

477. The best interests of the child is the fundamental premise of any order on custody or visiting arrangements, and the child's opinion is taken into account in such orders. An effort is made to adapt the visiting schedule to the needs of the child and his parents to avoid disrupting his school work and other related activities.

478. Article 168 of the draft Children's Code states:

> "If a child is separated from his parents or from one of them, he shall have the right to maintain personal relations and direct contacts with both parents on a regular basis, unless such contacts conflict with the child's best interests, which fact shall be determined by a court in accordance with the law".

71. Please indicate the measures adopted pursuant to article 9, paragraph 4 to ensure that in the case of the child's separation from one or both of his or her parents as a result of any action initiated by the State, essential information on the whereabouts of the absent member(s) of the family is provided, upon request, to the child, to the parents or, if appropriate, to another member of the family, unless the provision of the information would be detrimental to the well-being of the child. Also indicate the measures undertaken to ensure that the submission of such a request entails no adverse consequences for the person(s) concerned.

479. The Juvenile Code provides that a child may not be separated from his family except in special circumstances for his protection and shall enjoy the right to family life in his home, provided that this does not constitute a physical or moral danger to him. There is no reference to the rights of the child in the procedure for verification of the special circumstances mentioned above.

480. The situation is different in the case of adoption. On 17 September 1997 the Public Prosecutor's Office signed a cooperation agreement with UNICEF and Global Infancia on the creation of a database to facilitate the systematic organization of information on the identity of children given in adoption. Children and their biological and adoptive families will have access to the data entered in this system

and contained in the adoption records, thus giving effect to the right of children to know their biological parents, as established in the Convention.

481. So far, 70% of adoption records have been entered in this database.

482. The National Children's Home also carries out investigations to trace the biological families of abandoned or orphaned children, using the press and the National Police. When the family is located, it usually turns out that the parents are alcoholics, drug-addicts, criminals, prostitutes, etc. The juvenile court is informed of such situations so that the necessary action can be taken; usually there is no option but for these children to remain in their care home, for they have nowhere else to go. Sometimes they are luckier and a relative can be found who has an adequate standard of living and shows an interest in taking charge of the child. The juvenile court is also informed in this case and it makes a ruling, always in the best interests of the child.

483. Article 24 of the draft Children's Code states:

> "Children have the right to live and develop in their family. Parents are responsible for the upbringing of their children.

484. "A child may be separated from his biological family only for the exceptional reasons set down in this Code, and separation must ultimately be ordered exclusively by judicial decision.

485. "The biological family consists of the parents or one of them, the ascendants, descendants and collateral relatives, as stipulated in the Civil Code.

486. "The State and society have an obligation to preserve family integrity in order to guarantee this right. The State shall introduce adequate priority measures to enable children to remain in their family of origin".

72. Relevant disaggregated information (for example, by age, gender and national, ethnic and social origin) should be provided *inter alia* in relation to situations of detention, imprisonment, exile, deportation or death, together with an assessment of progress achieved in the implementation of article 9, difficulties encountered and targets set for the future.

487. There are no data that satisfy this recommendation.

D. Family reunification
(article 10)

73. Please provide information on the measures adopted to ensure that applications by a child or his or her parents to enter or leave a country for the purpose of family reunification are dealt with by the State in a positive, humane and expeditious manner and that the submission of such a request entails no adverse consequences for the applicants and the members of their family.

488. Article 41 of the Constitution states:

> "All Paraguayans have the right to live in their native country. Inhabitants may move freely about the national territory, change domicile or residence, leave the Republic and return to it and, in accordance with the law, bring their property into the country or remove it therefrom. Migration shall be regulated by the law on the basis of these rights.

489. "The entry of foreigners having no permanent establishment in Paraguay shall be regulated by the law on the basis of the relevant international agreements.

490. "Foreigners having a permanent establishment in Paraguay shall not be compelled to leave, except by judicial order".

491. The Juvenile Code merely states that a child may not be separated from his family except in special circumstances for his protection. There is no mention of family reunification in cases when a child has been separated from his parents and lives abroad.

492. In practice, the entry or exit of children, travelling alone or without their parents or other persons legally responsible for them, requires a visa issued by the Directorate-General for the Protection of Juveniles.

493. The exit of children is currently subject to strict control as a result of Paraguay's experience with trafficking in children ostensibly for adoption. The courts and attorneys make a thorough analysis of the situation and require evidence justifying the issue of the necessary authorization. This process is slow owing to the nature of the investigation which must be undertaken.

74. Please also indicate how such applications are considered in the light of the Convention and in particular of its general principles of non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible, including in the case of unaccompanied and asylum seeking children. Disaggregated information should also be provided, including by gender, age, and national and ethnic origin.

494. The first step is to submit the application for an exit visa to the Directorate-General for the Protection of Juveniles. If the child is to travel alone or with a person other than his parents or other persons legally responsible for him, their written consent is required. If he is to travel with only one of his parents, the written consent of the other is required. This process involves the submission of documents certifying the identity of the child's parents and his kinship with them, together with their written consent to the child's departure.

495. The departure of a child travelling alone requires judicial authorization. Applications are handled by a lawyer representing the applicant, either a parent or the child, in the juvenile guardianship court, where all the evidentiary documents must be produced: birth certificate, residence certificate, exit permit issued by the Directorate-General for the Protection of Juveniles, etc., which support the statement of grounds. All of this material is then submitted to a juvenile attorney for consideration, after which he communicates his report to the court. The court then makes its ruling, taking into consideration the child's opinion and his best interests.

496. An application, including a copy of this ruling, is then submitted to the embassy concerned, and from that point the processing of the application is subject to that embassy's requirements.

497. In general terms, the obligation of the State ends with the court's ruling on the best interests of the child.

75. Please indicate the measures undertaken to ensure the right of a child whose parents reside in different States to maintain on a regular basis personal relations and direct contacts with both parents. Please also indicate any exceptions and their compatibility with the provisions and principles of the Convention.

498. Paraguay's legislation does not contain any such measures. The procedure described above applies to such situations, especially when either parents or children have to leave the country.

76. Information should be provided on the steps taken to ensure respect for the right of the child and his or her parents to leave any country, including their own, and to enter their own country. They should indicate any restrictions imposed on the right to leave the country, how they are prescribed by law, necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and the extent to which they are consistent with the other rights recognized in the Convention, including the principles of non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible.

499. Article 41 of the Constitution guarantees the freedom of movement and residence of all inhabitants, as already pointed out in paragraph 488.

500. With respect to restrictions, the last paragraph of article 41 states:

> "The entry of foreigners having no permanent establishment in Paraguay shall be regulated by the law on the basis of the relevant international agreements. Foreigners having a permanent establishment in Paraguay shall not be compelled to leave, except by judicial order".

501. Article 288 deals with exceptions to this provision in cases of "armed international conflict, whether formally declared or not, or serious internal unrest which places in immediate danger the rule of this Constitution or the normal functioning of the organs created by it, for a maximum period of 60 days". Such a measure would be decreed by the Executive and subject to approval or rejection by the Congress. It would authorize the detention of "persons suspected of participation in some of these acts, their transfer from one point to another in the Republic, and the prohibition or restriction of public meetings and demonstrations. In all cases the suspected persons shall have the option of leaving the country".

77. Reports should also provide information on the progress achieved in the implementation of article 10, difficulties encountered and targets set for the future.

502. With regard to progress and difficulties in connection with family reunification, it should be pointed out that a juvenile court must authorize the removal of a child from the country for reunification with his parents; in view of Paraguay's unhappy experience with trafficking in children a few years ago, a thorough investigation is carried out, including scrutiny of the facts and the documents presented to the court, before the child's exit is authorized.

503. To give one example: the biggest difficulty lies with the embassies of foreign countries which require entry visas; instead of speeding up the procedures these embassies can obstruct them, usually by requesting endless documents and information; they also submit repeated inquiries and questions to the agency submitting the visa application in order to verify the truth of the statements made.

E. Illicit transfer and non-return
(article 11)

78. Please provide information on:

- **The steps taken to prevent and combat the illicit transfer and non-return of children abroad, including legislative, administrative or judicial measures, as well as mechanisms established to monitor such situations**

504. By virtue of the parental authority which Act No. 903/81 confers on the father and mother with equal rights and duties, if a child has to leave the country with one parent or with a third person, a special authorization by the parents must be issued through the relevant administrative organ of the Ministry of Justice and Labour - the Directorate-General for the Protection of Juveniles.

505. Article 223 of the Criminal Code ("On trafficking in minors") states:

"1. Anyone who exploits the poverty, frivolity or inexperience of the holder of parental authority by offering money and thus secures the surrender of a child for adoption or placement in a family shall be sentenced to deprivation of liberty for up to five years. The same sentence shall be imposed on anyone involved in receiving the child.

2. The sentence shall be increased to deprivation of liberty for up to 10 years if the guilty party

(i) Circumvents the legal procedures for adoption or family placement,

(ii) Acts in order to obtain financial gain, or

(iii) By his conduct exposes a child to the risk of sexual exploitation or exploitation of his labour".

506. Given the situation with regard to international adoption and trafficking in children and the burden of the related negotiations for adoption lawyers, on 22 October 1997 the Government passed the Adoption Act (No. 1116), discussed below in section H (Adoption), in order to eliminate these malpractices and regulate adoption under strict legal controls.

- **Any bilateral or multilateral agreement on this subject concluded by the State Party or to which it may have acceded and the impact they have had**

Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption, ratified by Act No. 900 of 31 July 1996;

Inter-American Convention on the International Return of Children, ratified by Act No. 928 of 20 August 1996;

Convention on the Civil Aspects of International Child Abduction, ratified by Act No. 983 of 7 November 1996;

Inter-American Convention on International Traffic in Minors, adopted on 18 March 1994.

- **Progress achieved and the difficulties met with in countering such situations, together with relevant data on the children concerned, including by gender, age, national origin, place of residence, family status and relationship with the perpetrator of the illicit transfer.**

507. There are no statistics showing the true magnitude of this problem, but there have been some investigations which may serve as a starting point for reflecting the situation. In 1997 the work of the Centre for Judicial Investigation on matters involving children represented 51% of its total caseload for the year; it effected 59 rescues or returns, 38 verifications, 30 night raids, and 29 successful searches for individuals.

508. The passage of the Adoption Act in 1997 led to the suspension of all international adoption proceedings; this development caused controversy throughout the country in view of the large number of young children who had been given in adoption to ostensibly foreign families without their true destination being known. This activity was extremely profitable for adoption lawyers and for parents who surrendered their children without scruple.

509. Article 3 of the Act refers to transitional measures:

> "Excepted from the scope of the present Act are international adoption proceedings initiated before the entry into force of Act No. 678/95 which are pending before a body of the Judiciary.

510. "Likewise excepted are international proceedings for the adoption of children who already have a close and verified affective bond with the prospective parents established during earlier adoption proceedings which were cancelled".

511. The situations of adopted children taken to the United States of America (the country receiving most of the adopted children) have been monitored since 1994, for the adoptive parents have an obligation to submit quarterly reports for four years on the situation the children taken abroad pursuant to provisions of decrees of the Supreme Court of Justice. This exercise was to be carried out under the responsibility and guarantee of the adoption lawyers. The obligation has never been fulfilled, which is why juvenile attorneys are following up these cases, with all the countless difficulties involved in such work, especially in locating the adoptive family in its country of origin.

F. Recovery of maintenance for the child
(article 27, para. 4)

79. Please indicate the measures adopted (including legislative, administrative and judicial measures) and mechanisms or programmes developed to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State and from abroad, including in cases of the separation or divorce of the parents. Information should also be provided on:

- **Measures taken to ensure the maintenance of the child in cases where parents or other persons having financial responsibility for the child evade the payment of such maintenance**

512. Article 53 of the Constitution states: "Parents have the right and the duty to care for, maintain, educate and protect their minor children. They shall be punished by the law if they fail to fulfil their maintenance obligation".

513. Article 71 of the Juvenile Code states: "Parents have the duty and the right to bring up their children, to maintain and educate them, and to guide them in the choice of an occupation, according to their vocation and attitude".

514. And article 256 of the Civil Code states:

> "The obligation to provide maintenance which derives from parenthood includes everything necessary for subsistence, shelter and clothing and for treatment of illness. In the case of children of an age to receive education it shall include whatever is necessary to meet the costs of education".

515. Article 263 continues: "The obligation to maintain a child shall cease at the age of majority or during minority if the child abandons his parents' house without permission".

516. Article 265 states: "Alimony shall be paid monthly in advance".

517. Article 225 of the new Criminal Code ("On non-compliance with the legal duty of maintenance") states:

> "1. A person who fails to comply with a legal duty of maintenance and thereby causes the basic living conditions of the beneficiary to deteriorate or who is found not to have provided some other such benefit shall be sentenced to deprivation of liberty for up to two years or to a fine.
>
> 2. A person who fails to comply with a duty of maintenance established in a judicially approved agreement or in a judicial order shall be sentenced to deprivation of liberty for up to five years or to a fine".

These sentences are imposed on the parents not because they lack the financial capacity to provide maintenance but because they refuse to do so. To give an example of the application of this legislation, in April 1998 in an instance of the first case, a court sentenced a father to 120 days in prison for disregarding a maintenance order issued by a juvenile court.

518. As already stated, the obligation of maintenance is an obligation of the parents; in the absence or incapacity of the parents the obligation falls on the grandparents, uncles and aunts, and then on other family members according to the closeness of their kinship.

519. When a person liable for maintenance is obliged to live abroad, an application is made to a juvenile court, which then sends a request to the courts in the country of that person's residence. The applicant court must know the address or place of work of the person concerned and send full documentation verifying his connection to the child. When these requirements have been satisfied, the payment can be collected.

520. This procedure is made possible by Paraguay's ratification, by Act No. 899 of 31 July 1996, of the Inter-American Convention on Support Obligations.

- **Measures adopted to ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent**

521. Measures to ensure respect for these principles are taken by juvenile judges and attorneys, who base their decisions on the general principles of the Convention; or at least this is true in the majority of cases.

- **The factors and difficulties which may have affected the recovery of maintenance for the child (for example, lack of birth registration) or the enforcement of decisions concerning maintenance obligations**

522. The difficulties encountered in compelling parents to pay maintenance usually stem from the absence of any birth certification to confirm their paternity. Such cases require the prior issue of an order of recognition of filiation with a statement of the proof, in accordance with article 25 of the Juvenile Code, which states: "All means of proof shall be admissible, except for investigation of maternity with the aim of attributing the child to a married woman, unless the child was born before the marriage".

523. Another very common problem occurs when a juvenile court sends an official communication to the head of personnel of the person liable for the maintenance requesting to be informed of the amount of his remuneration, whereupon the head of personnel, with that person's prior agreement, reports a lower rate than the true one in order to avoid a heavy assessment.

524. The amount or percentage of maintenance payments is not established in the Juvenile Code. The level is determined by the juvenile courts on the basis of the child's needs and the fundamental premise of his best interests. In such cases a court may attach more than 50% of the person's pay, and he has to take on more work if necessary. The amount of maintenance is set in the court order as a global sum, taking into account the number of children and their needs in respect of either health care or education.

525. The criteria and procedures for maintenance orders include:

- A hearing to confirm the mother's signature and obtain her agreement;
- Monthly payments in advance from the date of the order;
- Presentation and addition to the records of the case of the child's birth certificate, which verifies recognition of filiation;
- The income of the person liable for the maintenance;
- The basic needs of the child;
- Summary statements from witnesses to verify the income of the person liable for the maintenance.

526. As mentioned earlier, by Act No. 899 dated 31 July 1996 Paraguay became a party to the Inter-American Convention on Support Obligations in order to ensure that persons liable to make support payments who take up residence elsewhere honour their obligations.

- **Relevant disaggregated data in this area, including by gender, age, national origin and place of residence of the child and his or her parents, or of the persons financially responsible for him or her.**

527. According to information published in magazines, there is a high rate of irresponsible fatherhood, which insults both women and children.

528. If a mother cannot afford a lawyer, she directs her complaint to the Office of the Attorney-General for Juveniles, which takes it over in conjunction with a public defender of the poor and the absent. The mother must bring forward an action prior to the action for recovery of maintenance, called a motion for cost-free litigation, which delays the prosecution of the case.

529. Many defendant fathers resort to trickery to evade their responsibility, especially if the child was born out of wedlock. In some cases a father will even have himself denounced by his wife in order reduce the amount which he must pay to a child born out of wedlock. According to the report of the Attorney-General's Office, more than 800 fathers are reported every year for non-payment of maintenance.

G. Children deprived of their family environment
(article 20)

80. Please indicate the measures adopted to ensure:

- **Special protection and assistance to the child who is temporarily or permanently deprived of his or her family environment or in whose own best interests cannot be allowed to remain in that environment;**

- **Alternative care for such a child, specifying the available forms of such care (*inter alia* foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of the child);**

- **That the placement of such a child in suitable institutions will only be used if really necessary;**

- **Monitoring of the situation of children placed in alternative care;**

- **Respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent.**

530. The Constitution does not refer expressly to children deprived of their family environment, but article 54 ("On the protection of children") stipulates the obligation of the family, society and the State to provide children with comprehensive protection and to report any abuse. The Juvenile Code accords to all children the right to family life at home, or in a suitable establishment in the case of orphans and homeless children. This Code invests the juvenile courts with competence to hear and rule in cases of placement, custody and fostering of children, as well as on all matters connected with the protection of homeless children and children at risk, except when the risk requires action by a correctional court.

531. The Code allows placement only for homeless and orphaned children and children at risk. These are the grounds for ordering a placement measure. In other cases, the child concerned is returned to his parents, subject to a caution, provided that the home does not harbour some danger to his physical or mental health.

532. Requests concerning placement, fostering or return of children and complaints of abuse, ill-treatment, etc., are received by the rota juvenile judge or attorney. They go to the scene, in company with personnel of the Centre for Judicial Investigation, in order to verify the facts and the existence of the reported situation.

533. The inmates of children's homes receive little care, owing to the scant allocation of resources. Nevertheless, they do enjoy the services of professionals such as paediatricians, psychologists, social workers, nursemaids and other domestic staff. But there are no schoolteachers; when schooling is needed, an application is made to a juvenile court for permission for the child to attend a public school to continue his education.

534. Children are admitted without any discrimination. Most of them are from poor families in peripheral and marginal districts or from the interior; their parents are usually alcoholics and/or illiterates and extremely poor.

535. Article 326 of the Juvenile Code mentions bimonthly checking of children's homes by the juvenile courts, but in practice there is little coordination between the institutions concerned and the courts, so that it is impossible to give effect to this article.

536. Another problem is the failure to monitor the situation of children after they leave a care home, for no periodic contacts are established and even the children's whereabouts are not known.

537. The situation is different when such children are placed in a foster home, for then they receive care in the family and comprehensive upbringing and social discipline; they may subsequently be adopted by the foster parents, but even in such cases there is no regular monitoring of their situation.

81. Reports should also indicate the extent to which, when such solutions are being considered, due regard is paid to the desirability of continuity in the child's upbringing and to the child's ethnic, religious, cultural and linguistic background. Disaggregated information should be provided on the children concerned by all such measures, including by gender, age, national, social or ethnic origin, language, religion, and by the nature of the measure of alternative care applied.

538. As already stated, these care homes have no arrangements for the education of children of school age. In order for them to attend school an application must first be made for judicial authorization, but there is no system for monitoring their personal situation once they have left the home.

539. There are no records on the other points.

82. Reports should also provide information on the progress achieved in the implementation of this article, any difficulties encountered or on targets set for the future.

540. Here the difficulties are more striking: as pointed out earlier, the main problem is the lack of resources to provide the children with decent living conditions. The budget allocated to these institutions is usually insufficient, with the result that they do not have the necessary facilities to provide comprehensive care.

541. The National Children's Home, which houses about 60 children, has the necessary service staff but lacks technical personnel such as social workers and schoolteachers.

H. Adoption
(article 21)

83. Please indicate the measures adopted, including of a legislative, administrative or judicial nature, to ensure that, when the State recognizes and/or permits the system of adoption, the best interests of the child shall be the paramount consideration. Information should also be provided on:

- The authorities which are competent to authorize the adoption of a child

542. According to article 227 of the Juvenile Code ("On competence"), it is the responsibility of the juvenile courts to hear the cases and rule "(d) On the adoption of minors".

543. The Adoption Act (No. 1116) was passed on 22 October 1997 in order to combat the illegal and indiscriminate trafficking in children and establish strict control over all matters connected with adoption, especially intercountry adoption.

544. In its transitional provisions this Act states (art. 3):

> "Excepted from the scope of the present Act are intercountry adoption proceedings initiated before the entry into force of Act No. 678/95 which are pending before a body of the Judiciary. Likewise excepted are international proceedings for the adoption of children who already have a close and verified affective bond with the prospective parents established during earlier adoption proceedings which were cancelled. The new adoption proceedings must begin within 10 days".

545. In addition, article 38 of the Act states: "The juvenile guardianship courts in the child's place of residence shall be competent to rule in cases of adoption".

546. Article 28 provides for the creation of an Adoptions Centre, with the following functions:

1. To support the competent court, through the technical department, during the maintenance of the family link; to collaborate in investigations to identify children and their biological families and in the tracing of the families of children of unknown parents;

2. To provide due advice and information about the legal consequences and requirements of adoption to the persons, institutions and authorities whose consent to the adoption is required;

3. To monitor adoption proceedings;

4. To receive from the courts applications for national adoption, examine them and provide the relevant information;

5. To receive from the central authorities of other countries applications for intercountry adoption, examine them and provide the relevant information;

6. To keep an up-to-date register of children declared for adoption;

7. To assess persons applying to adopt a child and ensure that they are suitable in the light of the legal requirements;

8. To collect, store and exchange information about the situation of the child and the prospective parents, to the extent necessary for ensuring a good adoption and its success;

9. To accredit and supervise the care institutions in which children to be placed in foster families are temporarily housed;

10. To submit to the competent court a properly justified adoption proposal for each child, to serve as the starting-point for the adoption hearing;

11. To keep a register of national and intercountry adoptions;

12. To monitor adoptions. In Paraguay this can be done with the collaboration of the duly accredited governmental and non-governmental organizations, and abroad through the central authorities of the receiving countries and their accredited agencies;

13. To take the necessary steps within its sphere of competence to prevent improper financial gain from adoption and the abduction and sale of and trafficking in children;

14. To forge links with the central authorities and accredited agencies of other countries, establishing permanent lines of communication and furnishing relevant information about legislation, statistics and other general matters;

15. To facilitate and assist national adoptions by counselling adoptive parents and adopted children before and after the adoption;

16. To encourage the provision of foster homes and other suitable forms of care for children declared for adoption;

17. To make proposals for amendment or amplification of legislation with a view to ensuring the better protection of children and their family members;

18. To ensure compliance with the international conventions and agreements on adoption and the rights of the child ratified by Paraguay;

19. To establish its rules of procedure and organic and functional structures so as to ensure the due attainment of its purposes, and to appoint its professional and administrative personnel.

547. The establishment of this Adoptions Centre is the task of the Public Prosecutor's Office, and steps are now being taken to bring it into being.

- **The applicable law and procedures and the pertinent and reliable information on the basis of which adoption is determined**

548. The Adoption Act states:

> "Article 1. Adoption is a legal institution for protecting children in a family and social environment by means of which, under the supervision of the State, the adopted child joins his adoptive family as a son or daughter and ceases to belong to his biological family, except in the case of adoption of the child of a legal spouse or common-law spouse.
>
> Article 2. Adoption is provided as an exceptional means of protecting the child and it is established to serve the child's best interests.

Article 3. Adoption is full and indivisible and confers on the adopted child a filiation which replaces his filiation by birth and accords him the same rights and duties as the biological children of the adoptive parents. The adopted child's ties to his biological family cease from the moment of adoption, subject to compelling considerations of consanguinity. When the adopted child is the offspring of a legal spouse or common-law spouse of the other sex, such ties shall cease only with respect to the other natural parent.

Article 4. A lack or shortage of material resources on the part of the child's biological family shall in no case constitute sufficient grounds for loss of his right to be raised by it".

549. Chapter VII ("On procedure") states:

"Article 33. Applications for intercountry adoption shall be submitted solely to the main office of the Adoptions Centre in the capital through the central authorities of the country of the adoptive parents. Any applications for intercountry adoption which do not comply with the procedure established in this article shall be invalid. Applications for national adoption shall be submitted to the roster court, which shall transmit them to the Adoptions Centre for processing.

Article 34. Applications for adoption must be accompanied by documents and information on the personal situation, judicial record, family and social background, and material means of the adoptive parent or parents.

Article 35. The Adoptions Centre shall be responsible for finding suitable Paraguayan families to adopt each child declared for adoption and shall furnished a detailed written explanation if it cannot find such families.

Article 36. The Adoptions Centre shall regulate the following aspects of the administrative procedure:

(a) Conditions and requirements for supervision during the period of maintenance of the family link;

(b) Verification of the child's identity and history;

(c) Location of the child's biological parents and other family members;

(d) Documents and reports constituting the files on adoptive parents and children declared for adoption;

(e) The procedural requirements to be satisfied in the proceedings with respect to children and adoptive parents, prior to the submission of the adoption proposal to the court.

Article 37. The court's declaration of a child for adoption shall be communicated to the Adoptions Centre together with all the relevant documents and information. On receipt of this communication, the Adoptions Centre shall take the necessary steps to select possible adoptive parents.

Article 38. The guardianship courts in the child's place of residence shall be competent to rule in adoption proceedings.

Article 39. The parties to adoption proceedings are:

(a) The child;

(b) The child's counsel;

(c) The adoptive parents' counsel;

(d) The juvenile attorney;

(e) The biological parents in cases of adoption by a legal spouse or common-law spouse.

Article 40. The judge shall begin the adoption hearing by considering the application of the adoptive parents and the adoption proposal submitted by the Adoptions Centre and shall hear the juvenile attorney or the child's counsel. If the proposal is accepted, the judge shall invite the adoptive parents to make a statement. At the same time he shall verify:

(a) The identity of the adoptive parents;

(b) That the adoptive parents are suitable and satisfy the suitability criteria;

(c) That the adoptive parents have had access to all the information on the background of the child whom they are going to adopt and to any other information relating to his identity or personal history;

(d) That they have been given guidance prior to their consent about the implications and responsibilities of adoption; and

(e) That the adoptive parents are sufficiently well informed about the monitoring to which they will be subject during the three years following the adoption.

At the request of a party or on its own motion the court may order any investigations that it deems pertinent.

Article 41. The judge shall invite the child declared for adoption to make a statement. He shall verify:

(a) The child's identity; if there is any doubt, additional proof or testimony may be ordered;

(b) That the child has completed the period of maintenance of the family link;

(c) That the information about the identity, origins and personal history of the child and his forbears is correctly given and is as detailed as possible in the physical, medical and psychological aspects;

(d) That the child's opinion has been taken into consideration in the light of his degree of maturity; and

(e) That the child's consent, if he is aged 12 years or older, has been given following due counselling and free from pressure or reward of any kind.

Article 42. The court shall verify that the persons whose consent is required have given it under the conditions established by this Act.

Article 43. When the adoption proposal has been considered and if there is no other information to be obtained, the court shall order the provisional placement of the child with the prospective adoptive parents for a period of not less than 30 days, except when the child is a son or daughter of a legal spouse or common-law spouse or has been in the care or guardianship of the adoptive parent for more than two years.

Article 44. During this period of provisional placement the technical department of the Adoptions Centre shall monitor and assess the child's adaptation and report thereon to the court. If this report is favourable, the provisional placement shall be terminated. If the report is unfavourable, the court shall immediately decide whether to terminate the provisional placement and shall communicate its decision to the Adoptions Centre, which, if necessary, shall place the child temporarily in a care institution.

Article 45. The court shall inform the Juvenile Attorney and the Official Guardian of its action, and they shall give their views within a peremptory time-limit of three days. When the file has been returned and if there is no other evidence to be produced, the court shall give notice of the pronouncement of its ruling.

Article 46. If there is other evidence to be produced, the proceedings shall be re-opened for a peremptory period of 10 days, within which any items of evidence submitted by the parties or required by the court itself shall be presented. On the expiry of this time-limit the court shall give notice of the pronouncement of its ruling, which must be delivered within a time-limit of three days.

Article 47. In the same judicial order as the one granting the adoption the court shall mention the period of monitoring, which shall last for three years and be effected by the Adoptions Centre. Intercountry adoptions shall be monitored through the central authorities of the receiving country. The court shall verify in all cases that the adoption is not being used for purposes of improper gain.

Article 48. The order granting the adoption shall be appealable before the Appeals Chamber of the Juvenile Court. The time-limit for lodging appeals shall be three days.

Article 49. When a case is submitted to the Appeals Chamber, the papers shall be sent to the Juvenile Attorney, the Official Guardian and the adoptive parents, in that order, and they must make their comments within three days.

Article 50. On the expiry of these time-limits the Appeals Chamber shall give notice of the pronouncement of its decision, which must be delivered within a time-limit of five days. This decision shall be final.

Article 51. The adoption shall be granted only by a final decision, which may not be revoked.

Article 52. When the decision has become final, the adoption shall be registered as a birth, for which purposes an official communication, to which is attached a certified copy of the operative part of the said final decision, shall be sent to the Civil Registry. No copies may be made of this original document with its marginal annotations except by judicial order, unless the adoptive parents so request or the adopted child so requests once he has reached the age 18 years.

> Article 53. The adoption may be annulled at the request of the adopted child or of the biological mother or father by means of special proceedings before a guardianship court.
>
> Article 54. A petition for annulment must be entered within a maximum period of three years from the date of registration of the adoption in the Civil Register.
>
> Article 55. All the documents and administrative and judicial proceedings connected with the adoption process shall be confidential. Certified copies may be issued only at the request of the adoptive parents or the adopted child if he has reached the age of majority. However, the adopted child may petition a competent court, through a representative or the Official Guardian, for a waiver of confidentiality and access to the information".

550. In accordance with the principle of the best interests of the child, the juvenile courts maintain strict control over the proceedings before granting a child's adoption; they are supported in this by the Juvenile Attorney's Office, whose staff now carry out post-adoption monitoring to verify the physical, psychological, environmental and emotional circumstances of adopted children.

551. Up to 1996 the adoptive parents in intercountry adoptions were obliged to report to the juvenile court every three months for a period of four years on the situation of their adopted children, in accordance with the provisions of the decrees of the Supreme Court of Justice, under the responsibility and guarantee of their lawyers, but this obligation has never been fulfilled. This is why the Juvenile Attorney's Office is doing this monitoring work. It reports countless difficulties in locating the adopted children.

- **The child's status concerning his or her parents, relatives and legal guardians necessary for adoption to be considered permissible**

552. The Adoption Act states on this point:

> "Article 21. Any biological parents or members of their family who declare before a competent court their wish to give a child in adoption must wait for a period during which the court will take all necessary steps to maintain the link with the nuclear or extended family. For this purpose the court may have recourse to any institutions it deems fit. This period shall last for 45 days and may be extended by decision of the court. On the expiry of this period the parents or family members may personally confirm their initial decision. Following such confirmation the judge, subject to prior intervention by the Juvenile Attorney or Official Guardian, shall order the loss of parental authority, with an explanation of the grounds, and declare the child for adoption. The subsequent adoption proceedings shall take place before the same judge. Further proceedings shall not be necessary when the child is a son or daughter of a legal spouse or common-law spouse, when the child has been in foster care or in custody of a guardian for more than two years, or when the child is related up to the fourth degree of consanguinity to the adoptive parent or parents.
>
> Article 22. Children whose filiation is unknown shall be regarded as children of unknown parents. When a competent court is informed of the existence of children whose parents are unknown, it shall order, subject to prior reference to the Juvenile Attorney and the Official Guardian, an exhaustive investigation to trace the biological parents or family. This investigation shall last a minimum of 90 days and may be extended by decision of the court. If the biological parents or other family members are located, the period of maintenance of the family link with them must be initiated. If the investigation period expires without the biological parents or other family members being found, the court shall proceed to declare the child for adoption.

Article 23. Declaration for adoption shall be determined by the court in all cases before the adoption proceedings are initiated. The procedures by which a child is declared for adoption are independent of the adoption proceedings as such.

Article 24. Failure to comply with the provisions contained in this Chapter shall entail the nullity of the adoption proceedings".

- **The involvement of the persons concerned, the circumstances under which their informed consent is required and necessary counselling provided, including to allow for the consideration of the alternatives to and consequences of adoption, and the extent to which the participation of the child is ensured and his or her views are given due weight**

553. Article 5 of the Adoption Act states:

"Adopted children have the right:

1. To know their origins, in accordance with the procedures established in this Act, and

2. To be registered with the surname or surnames of their adoptive parents and to retain at least one of their baptismal names although the adoptive parents may add other names.

Article 7. The following children may be adopted:

(a) Children orphaned of both father and mother;

(b) Children of unknown parents;

(c) Children of biological parents who have been declared for adoption;

(d) Children of a legal spouse or common-law spouse who have given their consent in accordance with the procedure established in this Act;

(e) Children who have been in the care or custody of the adoptive parents for more than two years, subject to the consent of their biological parents or by virtue of a judicial declaration for adoption, as the case may be.

Article 9. A child may not be adopted after the age of majority, except when the procedure for declaration for adoption has been initiated before he reaches that age. When two or more siblings are declared for adoption, they may not be separated except on justified grounds.

Article 10. Persons of either sex may adopt a child, regardless of their civil status. Other things being equal, preference shall be given to legally married couples, common-law couples and women. Legally married couples must have been married for at least three years, and common-law couples must have lived together for at least four years.

Article 11. Adoptive parents must be:

(a) At least 25 years old;

(b) Not older than 50 years;

(c) At least 25 years but not more than 50 years older than the person to be adopted. In the case of couples, this rule shall apply to the younger of them.

These age restrictions shall not apply to the adoption of a child of the other legal spouse, or of the other common-law spouse when the couple has lived together for at least four years, or of a relative up to the fourth degree of consanguinity.

Article 12. Divorced couples and legally separated couples may not adopt a child jointly, unless the period of cohabitation with the child to be adopted began before the divorce or separation order was made and provided that agreement is reached on the custody of the child and on a visiting schedule.

Article 13. Adoption may be granted to an adoptive parent who, after having unequivocally manifested the wish to adopt, dies during the adoption proceedings before the order is made, or to the surviving spouse if any.

Article 14. Adoption may not be granted to persons suffering from infectious or contagious diseases, mental disorders or mental disability, or to persons who have been convicted of or are being prosecuted for a crime committed against a child.

Article 15. A guardian may not adopt his ward while he is exercising the guardianship or before he has rendered a duly documented account of his administration or before this account has received judicial approval.

Article 16. If the adopted child owns property, the adoptive parent shall be subject to the same rights and duties as a biological parent with respect to the administration of such property. When the child reaches the age of majority, the adoptive parent shall be obliged to deliver a documented account and make good any losses caused to the child's property by his administration.

Article 17. Concerning consent in the formal document by which persons state their agreement to the adoption before a competent court.

Article 18. The following persons must give their consent:

(a) The biological parents when the child is the son or daughter of the legal spouse or common-law spouse of the adoptive parent;

(b) The biological parents of a child who has been living for more than two years in the care or custody of the adoptive parent or parents;

(c) The child if aged 12 years or older;

(d) The adoptive parents.

Article 19. From the age of 12 years a child must give his consent to the adoption, following a period of living with the adoptive parents".

554. As stated earlier, in compliance with the principles of the Convention an agreement was signed on 22 September 1997 between the Public Prosecutor's Office and UNICEF-Paraguay/Global Infancia on the creation of a computerized database to provide adopted children, their biological families and their adoptive families with all available information relating to a child's identity and his subsequent monitoring.

555. This programme has a main fact-sheet on each child containing details from the adoption record and documents annexed thereto which are classifiable. Being a vital tool of identification this fact-sheet includes the child's photograph, which can be updated from the post-adoption monitoring reports. If no photograph is initially available, an impression is taken of the child's footprint, which must be entered in the adoption record for legal reasons. The computer team will have a scanner for recording the child's photograph or footprint.

556. The system has several accessory files, including individualized data on lawyers, juvenile attorneys and their rotas, countries, judicial districts, judges and their rotas, and authorities responsible for submitting post-adoption reports.

- **Existing safeguards to protect the child, including any monitoring mechanism put in place**

557. Until the Adoptions Centre begins to function such safeguards are established by the juvenile attorneys and courts on the basis of the principles of the Convention and the Adoption Act, always on the basis of the best interests of the child.

558. They maintain strict control in any adoption proceedings and investigate the circumstances of the case by means of detailed examination of the documents, interviews with the parties concerned, and if necessary visual inspection of the place where the child will live; they also ensure the subsequent monitoring of the case. The legal work is thus not limited to the delivery of children for adoption; it also involves monitoring to verify that the adopted child is still living in good physical and psychological circumstances.

559. Once the Adoptions Centre materializes - a matter for the Public Prosecutor's Office - its functions will be:

> "Article 28. An Adoption Centre shall be established as the central administrative authority for adoptions. It shall be an autonomous body.
>
> [...]
>
> Article 30. The Adoptions Centre shall be run by a Director-General and a Board of Management, advised by a multidisciplinary technical group. It shall also have a permanent secretariat appointed by the Board of Management. In order to be appointed Director-General a candidate must be:
>
> (a) Paraguayan;
>
> (b) A university graduate with more than five years experience in child-protection work; and
>
> (c) Of recognized professional ability.
>
> The Board of Management shall consist of five members or representatives of the following bodies:
>
> (a) The Adoptions Centre (its Director-General);
>
> (b) The National Children's System;

(c) The Secretariat for Women;

(d) The Public Prosecutor's Office; and

(e) Non-governmental organizations.

Members of the Board must have the requisite ability and at least three years' experience in child-protection work. Members of the Board shall not be paid fees. The Technical Department shall have at least the following professionals: two lawyers, two psychologists, a paediatrician, and four social workers.

Article 31. Candidates for the post of Director-General shall submit up to three copies of their curriculum vitae to the Public Prosecutor's Office, which shall make the appointment on the basis of proven merit and ability. If there are candidates of equal merit the Office may hold a competitive test. Members of the Board shall be appointed by their respective agencies.

Article 32. In addition to submitting adoption proposals, the Board of Management of the Adoptions Centre, advised by the Technical Department, shall also give an opinion on adoption proposals submitted to the competent courts.

- **The effects of adoption on the rights of the child, particularly his or her civil rights, including the child's identity and the right of the child to know his or her biological parents.**

560. Article 5 of the Adoption Act states:

"Adopted children have the right:

1. To know their origins, in accordance with the procedures established in this Act; and

2. To be registered with the surname or surnames of their adoptive parents and to retain at least one of their baptismal names although the adoptive parents may add other names.

In this connection the juvenile courts shall be guided by the best interests of the child and strict compliance with the law, in particular article 56 of the Civil Registry Act (No. 1266), which states: "Civil Registry officials shall not register ridiculous names or names which may lead to error as to the child's sex, or more than three names".

The juvenile courts therefore prohibit the use of ridiculous names in order to ensure that the child will not be mocked by other persons at some time in the future.

561. Children can exercise the right to know their biological parents by reference to the database described above. And article 22 of the Adoption Act states that in the case of children of unknown parents or orphaned children the competent court, after hearing the opinion of the Juvenile Attorney and the Official Guardian, shall carry out an exhaustive investigation to trace the child's biological parents or members of their family. This investigation lasts for 90 days and may be extended. Once the parents have been located, a period of maintenance of the family link begins. If the time-limit expires without the parents or family members being located, the court proceeds to declare the child for adoption. This investigation work will be carried out with the support of the Adoptions Centre.

84. In the case of intercountry adoption, please indicate the measures undertaken to ensure that:

- **Such a solution is only considered as an alternative means of care for the child if he or she cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin**

562. Article 6 of the Adoption Act states:

> "Adoption may be granted to persons living abroad provided that they satisfy the legal requirements. Intercountry adoption may be granted as an exception and to supplement national adoption. Adoption by nationals or by foreigners having a permanent establishment in Paraguay shall be given priority over adoption by nationals or foreigners resident abroad".

563. Chapter V, article 25, states:

> "Intercountry adoption means the adoption by persons resident abroad of children domiciled in Paraguay. Intercountry adoption shall be permitted only with those countries which have ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption".

- **The child involved in intercountry adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption**

564. Article 26 states:

> "A child adopted by persons not resident in Paraguay shall enjoy the same rights as a child adopted in the country of residence of the adoptive parents. The child shall have the permanent right to enter and to leave the receiving country of the intercountry adoption".

565. And article 25 continues: "The adoption of a child may be granted to persons resident outside Paraguay when a court confirms that no Paraguayan family is available to adopt the child".

- **Placement by intercountry adoption does not result in improper financial gain for those involved in it**

566. One of the reasons for the introduction of the Adoption Act was precisely to eliminate the financial gain obtained by many adoption lawyers for arranging intercountry adoptions.

567. One of the functions of the Adoptions Centre is to take steps to prevent undue financial gain in adoption cases as well as the abduction of children and the sale of and trafficking in children.

- **Appropriate mechanisms have been established to monitor the situation of the child, including following his or her placement through intercountry adoption, and to ensure that his or her best interests prevail as a paramount consideration**

568. The Adoptions Centre is also intended to monitor adoptions. This can be done in Paraguay through the collaboration of duly accredited governmental and non-governmental institutions, and abroad through the central authorities of the receiving countries and their accredited organs.

569. Relations will be established with the central authorities and accredited organs of other countries, including the opening of permanent lines of communication and the provision of information on legislation, as well as statistics and other specific or general information.

570. As already mentioned, until the Adoptions Centre begins to function the Juvenile Attorney's Office is responsible for carrying out monitoring to verify the living conditions of children adopted in the United States of America (the country receiving most Paraguayan children through intercountry adoption).

85. Reports should also indicate:

- **Any bilateral or multilateral arrangements or agreements concluded by the State to promote the objectives of article 21 (for example, the Hague Convention of May 1993 on Protection of Children and Cooperation in respect of Intercountry Adoption)**

571. The following are the international adoption agreements ratified by Paraguay:

- Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, ratified by Act No. 900 of 31 July 1996;
- Inter-American Convention on the International Return of Children, ratified by Act No. 928 of 20 August 1996;
- Convention on the Civil Aspects of International Child Abduction, ratified by Act No. 983 of 7 October 1996.

- **Within this framework, the measures adopted to ensure that the placement of a child in another country is carried out by competent authorities or organs**

572. Article 29, paragraph 12, of the Act stipulates that it is the responsibility of the Adoptions Centre to monitor adoptions through the central authorities of the receiving countries and their accredited organs.

573. Paragraph 14 provides for relations with the central authorities and accredited organs of other countries through the establishment of lines of communication and provision of relevant information on legislation, as well as statistics and other specific and general information.

574. Article 33 states:

> "Applications for intercountry adoption shall be submitted solely to the head office of the Adoptions Centre in the capital through the central authorities of the country of the adoptive parents. Any application for intercountry adoption which does not comply with the procedure established in this article shall be invalid. Applications for national adoption shall be submitted to the rota court, which shall transmit them to the Adoptions Centre for processing".

It must be stressed that there are no mechanisms to ensure the intervention of the authorities of other countries in the placement of children; the only measure in place is the post-adoption monitoring carried out by the Juvenile Attorney's Office.

- **Relevant disaggregated data on the children involved in intercountry adoption, including by age, gender, status of the child, situation of the child's family of origin and of adoption, as well as country of origin and of adoption;**

- **Progress achieved in the implementation of article 21, difficulties encountered and targets set for the future.**

575. The passage of the new Adoption Act put an end to intercountry adoptions and to all illegal trafficking in children. It closed the book on a perverse trade involving legal professionals and the courts and a group of unscrupulous people which had for decades profited from the poverty of many parents by putting heavy pressure on needy mothers to surrender their children to third persons through the intercountry adoption procedure.

576. The creation of the Adoptions Centre is the responsibility of the Public Prosecutor's Office, which is currently making all the necessary arrangements for the opening of this institution, for its effective operation will help to improve the application of the Adoption Act.

I. Periodic review of placement
(article 25)

86. Please indicate the measures undertaken, including of a legislative, administrative and judicial nature, to recognize the right of the child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical and mental health, to a periodic review of the treatment provided to the child in public and private institutions, services and facilities, as well as all other circumstances relevant to his or her placement.

577. Cases of violation of the rights of the child reported by parents, neighbours or other third persons are automatically dealt with by the Public Prosecutor's Office acting through the juvenile attorneys; depending on the seriousness of the case, a juvenile court may order the victim to be placed in an institution for treatment, which includes a periodic review of his progress.

578. Juvenile offenders are subject to such legislation as the Juvenile Code, article 328 of which states:

> "The professional personnel (doctors and psychologists) of the children's reeducation homes and institutes shall conduct periodic reviews of the children placed therein, report to the court on their progress, physical and mental state, interests, general behaviour and level of education, and make any recommendations that they deem fit".

579. Such reviews are not carried out fully in practice. Although these institutions do have medical professionals (only for first aid) and psychologists, they are there only to provide treatment within their own institution; any reports are made to their superiors. Reporting to the courts is a task for the institution's director alone, for he bears the responsibility for full compliance with the laws and regulations governing his administration.

580. Article 336 states: "Juvenile attorneys shall make bimonthly visits to the establishments of the Directorate-General for the Protection of Juveniles". In practice there is no effective coordination among the various institutions involved in this process.

581. The draft Children's Code regulates matters connected with the health care of children.

Article 15 states:

> "Children have the right to physical and mental health care, to the necessary medical treatment, and to equal access to services and activities in the areas of health promotion, information, protection and rehabilitation. The medical and health practices and customs of the children's communities shall be respected, provided that they do not constitute a danger to their lives or physical or mental integrity".

And article 16 states:

> "The State shall operate permanent programmes of medical and dental treatment to prevent childhood diseases, together with health education programmes for parents, teachers and children".

87. Information should be provided *inter alia* on:

- **The authorities considered competent for such purposes, including any appropriate independent mechanism established**

582. The competent authorities for these purposes are the juvenile courts, which act on prior notification of the physical and mental state of the children concerned.

583. The current Code of Criminal Procedure and its revised version, which is to enter into force on 1 June 1999, stipulate that it is the responsibility of the competent court to order the transfer of prisoners to care facilities for physical or psychiatric treatment.

- **The circumstances taken into account in deciding on the placement of the child for his or her care, protection and treatment**

584. Only extremely urgent cases, such as those requiring surgical intervention, and cases of chronic illness or behavioural disorder pointing to a mental illness, are transferred to care facilities for treatment.

- **The frequency of review of the placement and treatment provided**

585. As already noted, there is no monitoring of reviews of placement or treatment.

- **The respect ensured to the provisions and principles of the Convention, including non-discrimination, the best interests of the child and respect for the views of the child**

586. Since there are no periodic reviews of the conditions of placement of children for their protection or for medical treatment of a physical or mental problem, non-compliance with the principles of the Convention may be inferred in this respect.

- **Relevant data on the children concerned, including in situations of abandonment, disability and asylum seeking and refugees, including unaccompanied children, and in situations of conflict with the law, disaggregated *inter alia* by age, gender, national, ethnic and social origin, family situation and place of residence, as well as by duration of placement and frequency of its review**

587. No data are available.

- **Progress achieved in the implementation of article 25, difficulties encountered and targets set for the future**

588. Progress is expected to follow the adoption of the new Children's Code, which at the time of drafting this report is under consideration in the Chamber of Senators, for it will provide new and better safeguards for children.

589. Most of the difficulties encountered can be attributed the frequent lack of sufficient resources to carry out policies to accord these children an opportunity to join a programme of integrated rehabilitation which will attend to their physical, mental and moral health and facilitate compliance with the principles of the Convention.

J. Abuse and neglect including physical and psychological recovery and social reintegration
(articles 19 and 39)

88. Please indicate all appropriate legislative, administrative, social and educational measures taken pursuant to article 19 to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. Reports should indicate in particular:

- **Whether legislation (criminal and/or family law) includes a prohibition of all forms of physical and mental violence, including corporal punishment, deliberate humiliation, injury, abuse, neglect or exploitation, *inter alia* within the family, in foster and other forms of care, and in public or private institutions, such as penal institutions and schools**

590. Article 8 of the Juvenile Code states:

"Every minor has the right to:

...

(d) Humane treatment by his parents, guardians or custodians;

(e) If orphaned or homeless, a family environment in a private home or in a suitable establishment;

...

(h) Treatment and attention suited to his aptitudes and physical and mental capacities".

591. And article 134 of the new Criminal Code states:

> "A person legally responsible for the education, guardianship or care of a child aged under 16 years who subjects this child to severe mental suffering or severe and repeated maltreatment, or damages his health, shall be sentenced to deprivation of liberty for up to two years or to a fine, unless the offence is punishable under article 112".

Article 112 states:

> "1. A sentence of deprivation of liberty for up to 10 years shall be imposed on a person who deliberately or consciously with injury:
>
> (1) Places his victim in mortal danger;
>
> (2) Seriously maims him or inflicts lasting scars on him;
>
> (3) Severely impairs the use, to a considerable extent and for a long period, of his body or senses, his capacity to cohabit and reproduce, his physical strength or mental powers, or his capacity to work;
>
> (4) Causes him a serious or distressing illness.
>
> 2. A person who, in knowledge what he is doing, inflicts grievous physical maltreatment or physical injury on another person and thereby causes one of the results indicated in paragraph (1) shall be sentenced to deprivation of liberty for up to five years. Attempts to commit these offences shall also be punishable".

592. At school, children are protected against all kinds of violence; this protection is stipulated in the primary school regulations, article 48 of which states: "Pupils are entitled to be treated with care and understanding without any discrimination. Their personalities must be respected, and they must not be harmed by word or deed". However, there are still teachers who verbally abuse their pupils.

593. Article 579 of the current Code of Criminal Procedure states:

> "The judicial and administrative authorities shall take special care to ensure in matters within their competence:
>
> ...
>
> 7. That prisoners are not subjected, on any grounds or pretext whatsoever, to hardship greater than is required by the sentence to which they have been condemned or strictly imposed by considerations of their security;
>
> 8. That any public employee who inflicts on prisoners in his charge harsh treatment, verbal insults or arbitrary punishment or confines them in places in the establishment not intended for confinement shall immediately be brought before a court for condign punishment".

594. Article 40 of the draft Children's Code states:

> "Children have the right to freedom, respect and dignity as human beings in the process of developing and as subjects of law. Accordingly, a child's physical, mental and moral integrity shall be inviolable, including the protection of his self-image and his personal identity, values, ideas and beliefs, and his personal space and ambitions. Children have the right to be heard in any judicial or administrative proceedings affecting them".

595. This point calls for the following comment: the guarantees to protect these rights exist in theory, but in practice children, like women, still fall victim to domestic violence. Children in the interior of the country are frequently subjected to sexual abuse and corporal punishment, and there have been instances of brutal beatings when the child was saved only by the intervention of neighbours and/or magistrates and government attorneys.

596. Even so, very few such cases are reported, and the figures do not reflect the true situation of children and women in their homes, for violence in all its forms is taken for granted; and in some cases the victims, out of fear or misplaced shame, do not make a public complaint, especially when the perpetrator is a close family member, as he usually is.

- **Other existing legal safeguards relevant to the protection of the child as required by article 19**

597. There are no safeguards other than those mentioned above.

- **Whether complaint procedures have been foreseen and the child can lodge complaints, either directly or through a representative, as well as remedies available (for example, compensation)**

598. A Juvenile Complaints Department was created in July 1997 in order to improve the service to the public, since formerly the receipt of complaints was a responsibility of prosecution officials, which meant that not all complainants were properly attended to.

599. This Department is headed by a government attorney and is responsible for receipt of complaints of the violation of the rights of persons aged up to 20 who are victims of the act in question. The situation is different when a child is the perpetrator and has committed an act addressed and punishable by the law; in such cases complaints about children aged up to 14 years are receivable.

600. The Department works in conjunction with the attorneys of the juvenile guardianship and correctional courts. The complaints are analyzed and processed, signed by the duty attorney and then transmitted to the rota guardianship or correctional court, as appropriate.

601. Children may lodge complaints with the Department directly or through a representative.

602. There is also the Public Prosecutor's Department for Assistance to Victims of Crime. Its main function is to provide counselling and comprehensive psychological, social and legal services, to carry out investigations (to determine the damage to the victim, his family and community), to offer guidance and support to parents and children, making victims aware of their rights, and to cooperate with national and foreign public and private institutions which provide assistance to victims of crime.

603. The Department intervenes at the request of a government attorney or a court, not only in the case of offences specified in criminal legislation but also in the situations addressed in the Juvenile Code and other legal instruments.

604. It also deals with cases involving institutions and with spontaneous requests, i.e. from individual adults, children and young people applying on their own initiative.

605. According to reports of the Public Prosecutor's Office, since the opening of this Department in 1997 women have constituted the majority of the victims assisted. Out of a total of 1,703 persons assisted, 1,205 were girls aged six to 15.

606. The Department is currently facing problems which restrict its proper functioning, such as lack of infrastructure and communication facilities. It has urgent need of a telephone hotline for confidential receipt of complaints, computers, reclassification of its professional staff, provision for payment of travel expenses, etc.

607. The courts also monitor the handling of the complaints submitted to them in order to speed up the proceedings.

608. Where remedies are concerned, there have not yet been any instances of compensation; but cases have been prosecuted in the juvenile courts and offenders punished. It must be stressed that the slowness of the proceedings, especially in cases of this nature, works against speedy resolution, for a long time usually elapses between the commission of the offence and the punishment of the offender.

- **The procedures developed for intervention by the authorities in cases where the child requires protection from any form of violence, abuse or negligence, as required by article 19**

609. See the answer to the preceding question.

- **The educational and other measures adopted to promote positive and non-violent forms of discipline, care and treatment of the child**

610. Article 48 of the primary school regulations states:

> "Pupils are entitled to be treated with care and understanding without any discrimination. ... Their personalities must be respected, and they must not be harmed by word or deed".

611. Another measure is the guidelines contained in the Education Reform concerning the encouragement of a bond between teacher and pupil within a framework of respect, understanding and harmony that will facilitate learning and enhance interpersonal relations. Emphasis is given to the need to abandon every kind of discriminatory or violent practice.

612. In this connection, in 1997 and during the period since 1998 incidents occurred in institutions both in the capital and in the interior and came to public knowledge: secondary pupils reported a number of cases of ill-treatment and some of arbitrary action by the head of their institution and secured intervention by the Ministry of Education to resolve the dispute.

- **Any information and awareness-raising campaigns to prevent situations of violence, abuse or negligence and to strengthen the system for the child-protection**

613. The National Action Plan to Combat every Kind of Violence against Women was initiated in 1994 and is implemented by the Secretariat for Women; it includes a publicity and awareness programme on the scale of violence in its various physical, psychological and moral forms, the main victims of which are women and children. Since the programme started there has been an increase in the number of complaints of domestic violence and sexual harassment lodged not only by the victims themselves but also by neighbours and friends.

- **Any mechanisms established to monitor the extent of the forms of violence, injury or abuse, neglect, maltreatment or exploitation considered by article 19, including within the family, in institutional or other care, of a welfare, educational or penal nature, and the social and other factors contributing thereto, as well as any evaluation made of the effectiveness of the measures adopted; in this regard disaggregated data should be provided on the children concerned, including by age, gender, family situation, rural/urban, social and ethnic origin.**

614. The National Network against Child Abuse, which is made up of governmental and non-governmental organizations and was mentioned under question 18 in the list of questions, is the body responsible for operating supervision and protection mechanisms to combat all forms of violence, physical and mental abuse, ill-treatment and exploitation of children and young people.

615. A similar function is performed by the Community Centre for the Protection of Children (CECODIN), as well as by the Department for Assistance to Victims of Crime and the Juvenile Complaints Department, both organs of the Attorney-General's Office, as well as by the juvenile courts and attorneys.

616. In 1997 the numbers of victims applying to the Department for Assistance to Victims of Crime, disaggregated by sex and age group, were as follows:

Age (years)	Female	Male
Under 5	17	10
6 to 15	196	35
16 to 25	51	15

89. With respect to article 19, paragraph 2, reports should also provide information inter alia on:

- **Effective procedures developed for the establishment of social programmes to provide necessary support for the child and those who have the care of the child, including rehabilitation mechanisms**

617. The 1998 UNICEF-Paraguay Plan contains a programme on "Children in difficult circumstances"; its counterpart is the National Centre for the Protection of the Rights of the Child of the Ministry of Public Health and Social Welfare and the Coordinating Office for the Rights of the Child; this programme has the following aims:

- To strengthen the National Network against Child Abuse;

- To train members of institutions caring for victims of abuse (especially in care homes) in methods of treatment;

- To create a documentation, information and reference centre to furnish technical support to organizations members of the National Network;

- To make the general public and in particular persons having powers of decision in matters connected with the rights of the child more aware of the importance of the prohibition and prevention of child abuse;

- To conduct a study to determine the commonest forms of abuse in power relationships (parents-children, teachers-pupils, police-children) and their degree of acceptance in society;

- To carry out a campaign to change cultural patterns of behaviour involving socially acceptable or tolerated forms of child abuse;

- To set up a committee to monitor the exercise of the rights of the child, with the power to warn against or report violations to the general public and the competent authorities;

- To constitute the monitoring committee from representatives of the authorities and other actors in this process;

- To gather information about cases of flagrant violation of the rights of the child;

- To hold monthly meetings of the committee to examine and classify the complaints received;

- To convene press conferences to publicize the violations found, to visit the authorities, and to inform the justice system about such abuse;

- To develop a care and protection policy for unpaid servant girls (criaditas);

- To hold a workshop in conjunction with the counterpart agency to devise a policy containing measures, objectives and strategies to tackle the phenomenon of unpaid servant girls;

- To devise an action plan in the light of the workshop's findings for implementation this year.

- **Effective measures adopted for the identification, reporting, referral, investigation, treatment and follow-up of instances of maltreatment covered by article 19, as well as for judicial involvement**

618. The effectiveness of these measures was addressed under the third subparagraph of general guideline 88.

- **The existence of any system of mandatory reporting for professional groups working with and for children (for example teachers, medical doctors)**

- **The existence of confidential help lines, advice or counselling for child victims of violence, abuse or neglect or any other form considered by article 19**

619. CENADI and the NGOs working in this area are promoting through the National Network against Child Abuse the installation of telephone counselling lines for victims, as well as telephone staff to handle the calls.

620. The Department for Assistance to Victims of Crime is also aware of the need for a direct-response system, for the lack of such a system is one of the Department's main deficiencies.

- **The special training provided for relevant professionals. (See also para. 34 above)**

621. The training of the relevant professionals has already been mentioned under general guideline 46.

90. Please also indicate the measures adopted pursuant to article 39 to ensure the physical and psychological recovery and social reintegration of the child victim of any form of neglect, exploitation or abuse referred to in article 19, in an environment which fosters the health, self-respect and dignity of the child. Information should also be provided on the progress achieved, any difficulties encountered and on the targets set for the future.

622. One of the functions of the Department for Assistance to Victims of Crime is to provide psychological, social and legal services for all victims of crime to alleviate their severe suffering and that of their families and friends. In addition, the governmental and non-governmental organizations which make up the National Network against Child Abuse work for the physical and psychological rehabilitation of all children victims of neglect, exploitation or abuse.

91. Reports should also provide information on the progress achieved in the implementation of these articles, difficulties encountered and targets set for the future.

623. With regard to the progress achieved and the targets set for the future, please refer to the annex and the document "La niñez en Paraguay" (Children in Paraguay), the mid-term review of the UNICEF-Paraguay cooperation programme 1995-1999.

624. The biggest of the difficulties encountered were the lack of financial resources for training the personnel working in this area and the failure to devise and execute a publicity and awareness campaign to shape public opinion.

VI. BASIC HEALTH AND WELFARE
(articles 6; 18, para. 3; 23; 24; 26; 27, paras 1-3)

A. Disabled children
(article 23)

92. Please provide information on:

- **The situation of the mentally or physically disabled child and the measures taken to ensure:**

  The child's enjoyment of a full and decent life, in conditions which ensure the child's dignity and self-reliance;

  The child's enjoyment of his or her rights without discrimination of any kind and the prevention and elimination of discriminatory attitudes against him or her;

  The promotion of the child's active participation in the community

625. Disabled children are protected by Paraguay's legal system.

626. Article 58 of the Constitution refers to the rights of "exceptional persons". Other current legislation includes Act No. 780/79 on the establishment of the National Institute for the Protection of Persons with Special Needs (INPRO) and Act No. 122/90, which sets out "rights and privileges for the disabled".

627. A number of governmental and non-governmental agencies are working together to regularize care for the disabled in order to integrate them in social/legal, economic and cultural life.

628. In 1993 the problem of disability was being handled in a rather fragmented manner by a number of public and private institutions working independently without any coordination or technical standards and with differing aims.

629. In 1993 services were available only in Asunción, and patients living in the interior had to come there for their treatment. As a result of the implementation of a grass-roots rehabilitation programme, the disabled can today obtain care locally from health workers who have attended special training courses.

630. That same year also saw the convening of the first National Congress on Disability, at which, in the presence of the President of the Republic, the National Disability Action Plan was presented and adopted; the Plan envisages coordinated action by all the agencies working in this area. The Congress also identified the need to provide integrated assistance for the disabled.

631. Act No. 780/79 established INPRO with the aim of "providing comprehensive protection for exceptional persons so as to offset the disadvantages caused by their condition and give them the opportunity through their own efforts to play a role in the community equivalent to the role of a normal person".

632. INPRO is active in various areas, including: (a) prevention, diagnosis and treatment of disabilities and rehabilitation of the disabled; (b) campaigning against discrimination; (c) removal of architectural barriers; (d) training for the disabled; and (e) jobs for the disabled. All of these activities are carried out by INPRO itself in the capital and through NGOs to which INPRO furnishes technical and financial support, and in rural communities by means of the grass-roots rehabilitation programme.

633. The main obstacles are:

Lack of funds: as the country's population increases INPRO has to take on new patients, but its budget remains insufficient to meet the growing needs.

Architectural barriers: disabled persons still find it difficult to move about in the country's towns, especially on means of transport.

Mental barriers: the general public remains unaware of the need for solidarity and understanding towards the disabled.

Prevention of disabilities: the number of disabled persons continues to rise owing to the failure to take preventive measures in connection with accidents, hypertension, diabetes, premature births and proper delivery procedures, and the consumption of iodized salt. (Information supplied by INPRO.)

- **The child's effective access to education, training, health care and rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development**

634. Governmental and non-governmental agencies carry out various activities for the full development of the disabled on an equal footing in education and integration in the community. INPRO, for example, is active in job training and job placement in public and private institutions. This work is done by the Job Training and Therapy Division with support from the Secretariat for Job Placement, the Association of Parents and Friends of Persons with Special Needs, the Albino Luis Centre for Skills Training for Daily Life, the National Federation of Disability Institutions, etc.

- **The consideration given to the inclusion of disabled children together with children without disabilities in institutions, services and facilities, including within the education system**

635. Although there are special schools for disabled children, the trend encouraged by INPRO is for them to be fully integrated in normal schools.

636. There are even instances of disabled young people who, thanks to their own efforts and the support of their families and friends, complete technical and even university courses and become effectively integrated in society.

637. Studies have also been made of children suffering from Down's syndrome, and some positive results have been obtained. On the other hand, it is clear that children with both physical and mental disability should attend special schools, such as Teletón. The Association of Parents and Friends of the Mentally Disabled, an NGO providing services for persons with special needs, also offers education and training consistent with such persons' limitations. These bodies also take part in the international olympic games for disabled children, for example at the Barcelona Olympics in 1992, where the Paraguayan contingent did very well in athletics.

- **The child's right to special care and the steps taken to ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance appropriate to the child's condition and to the circumstances of the parents or others caring for the child**

638. INPRO also provides counselling for persons responsible for the living environment of disabled persons, i.e. their families or other persons having official responsibility for them, in order to put across the idea that children's disability should not be a reason for accepting restrictions that set them apart but that they have the potential for self-realization within the limits of the physical disability in question; the aim is to ensure that this living environment helps disabled children to integrate in society.

- **That, whenever possible, assistance is provided free of charge, taking into account the financial resources of the parents or others caring for the child**

639. INPRO provides diagnostic services and treatment for Paraguay's disabled children entirely free of charge, including medical consultations, laboratory and radiological tests, medicines, corrective surgery, and rehabilitation equipment (prostheses, ortheses, hearing aids, spectacles, crutches, wheelchairs).

640. Disabled children are treated on a multidisciplinary basis involving the services of psychologists, psychiatrists, physiatrists and physiotherapists.

641. In addition, the Directorate for Welfare and Social Assistance, a governmental body, has carried out social projects connected with health, education, training, leisure, and diet.

- **The measures taken to ensure an effective evaluation of the situation of disabled children, including the development of a system of identification and tracking of disabled children, the establishment of any appropriate monitoring mechanism, the assessment of progress and of difficulties encountered, as well as any targets set for the future**

642. There are in fact no effective evaluation measures that satisfy this requirement.

- **The measures taken to ensure adequate training, including specialized training, for those responsible for the care of disabled children, including at the family and community levels and within relevant institutions**

643. These measures were discussed in paragraphs 635 to 637.

- **The measures taken to promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of the medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services. An indication should be given of the measures taken with the aim of enabling States Parties to the Convention to improve their capabilities and skills and to widen their experience in these areas, and the consideration given to the particular needs of developing countries**

644. INPRO is currently giving financial and technical assistance to all the national associations and foundations working in the area of disability with a view to supporting and consolidating them. This includes the expansion of the services to the whole country, the transfer of training programmes to the professional and technical staff of these bodies, and the transfer of the techniques used, so that patients in the interior have access to the same benefits furnished through effective services. INPRO also seeking to form a network of coordinated services. As a result of this work INPRO enjoys the support and recognition of the national and international communities and has been honoured by holding the presidency of the Ibero-American Confederation of National Committees, Councils and Commissions for the Disabled from 1996 to the present.

645. Paraguay is a member of the disability legislation committee of MERCOSUR, which meets in Montevideo, Uruguay.

646. Another project is being executed with international assistance as part of the effort to improve the living conditions of society's most needy groups, especially children. This project is supported by Japan and is entitled "Equipment of a protected workshop for the disabled" (Jasmin Foundation); it has a budget of $38,000.

- **The children concerned, including by type of disability, the coverage of the assistance provided, programmes and services made available, including in the fields of education, training, care, rehabilitation, employment and recreation, the financial and other resources allocated, and other relevant information, disaggregated inter alia by gender, age, rural/urban area, and social and ethnic origin.**

647. In 1998 the Government allocated $2,509,067. By comparison, in 1993 $1,337,330 was allocated from the national budget. Statistics on education for the disabled will be found in the tables in the statistical annex.

B. Health and health services
(article 24)

93. Please indicate the measures adopted pursuant to articles 6 and 24:

- **To recognize and ensure the right of the child to the enjoyment of the highest attainable standard of health and to facilities for treatment and rehabilitation;**
- **To ensure that no child is deprived of his or her right of access to such health care services;**
- **To ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, and survival and development to the maximum extent possible.**

648. Where legislation is concerned, article 61 of the Constitution states:

"The State shall recognize the right of individuals to decide freely and responsibly on the number and spacing of their children and to receive through the relevant bodies education, scientific guidance and adequate services in this matter.

649. Special plans shall be drawn up on reproductive health and maternal and child health for the poor members of the population".

650. Article 63 of Act No. 903/81 (the Juvenile Code) states: "Parents, guardians and custodians of children, under whatever title, shall be obliged to provide them with maintenance consistent with their age and the necessary medical care".

Article 64 states: "Vaccination of children against endemic diseases and the keeping of the relevant immunization booklet shall be obligatory in the cases determined by the health authorities".

And article 65 adds: "The health institutions shall provide the necessary equipment and vaccines for these purposes".

651. The legislation measure which will safeguard these rights in future is the draft Children's Code, the health sections of which are described in detail earlier in this report.

652. There is also a maternal and child health programme ("Risk-free maternity" - described below) run by the Ministry of Public Health and Social Welfare with the aim of offering preventive care to pregnant women, including all the necessary medical treatment, through the health centres established in the country's various departments.

94. Reports should also provide information about the measures adopted to identify changes which have occurred since the submission of the State party's previous report, their impact on the life of children, as well as the indicators used to assess the progress achieved in the implementation of this right, the difficulties encountered and any targets identified for the future, including in relation to child mortality and child morbidity, service coverage, data collection, policies and legislation, budget allocation (including in relation to the general budget), involvement of non-governmental organizations and international assistance.

653. This point will be covered by the answers given under subsequent sections of the guidelines.

95. Please also provide information on the measures undertaken in particular:

- **To diminish infant and child mortality, indicating the average rates and providing relevant disaggregated data, including by gender, age, region, rural/urban area, ethnic and social origin**

654. According to the 1995/96 national demography and health survey, the infant mortality rates (IMR) indicate relationships between mortality rates and other social, economic and regional characteristics. The first striking point is that neonatal mortality is higher in urban than in rural areas (19 and 17 per 1,000 respectively), while deaths during the post-neonatal period are twice as high in rural areas as in urban ones (14 and 7 per 1,000 respectively); this higher rate in rural areas is maintained at all ages up to five years. In general terms, the eastern part of the country has the highest rates (IMR of 34 per 1,000), while the north and centre-south have rates which are lower (28 and 25 per 1,000) but still higher than the rate for Greater Asunción (19 per 1,000).

655. Biological and institutional factors seem to have a much more direct bearing on the mortality rate for children aged one year than the characteristics of the region or the mother. In fact, according to the figures from the 1995/96 survey, the mortality rate for premature births is much higher than for full-term births.

656. The second point is that there are big differences depending on whether the birth weight is below or above 2,500 grams (see tables 12 and 13).

657. The institutional factors taken into consideration were antenatal checks and professional or traditional attendance at delivery; the first factor had a greater weight than the second. Furthermore, both factors had an effect on both neonatal and postnatal mortality. According to the survey, in 22% of cases the birth weight was not recorded, and 13% of the women questioned had undergone no kind of antenatal check.

658. In the case of the 1-4 age group, the mortality rate was different in the period 1991-1995, rising by 12% (from 69.2 to 77.7 per 100,000). But if the 1991 data are removed (almost all the indicators for this year are fairly atypical) and only the period 1992-1995 is considered, then a decline of about 30% does emerge, which is consistent with the behaviour of the overall mortality rate.

- **To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care, including:**
    - **The distribution of both general and primary health care services in the rural and urban areas of the country and the balance between preventive and curative health care**

659. In order to comply with article 54 of the Constitution ("On the protection of children") and more particularly with article 24 of the Convention on the Rights of the Child, Paraguay has taken a big qualitative step forward in health by accomplishing an important transformation through the establishment of the National Health System (approved by Act No. 1032 of 30 December 1996). This Act entrusts to the Ministry of Public Health and Social Welfare the function of coordinating health policy (including both preventive and curative measures) and also creates a system of decentralized health services based on departmental and district health councils responsible for policy implementation at the regional and local levels. The councils are made up of grass-roots representatives, and broad participation and responsibilities are accorded to the departments and municipalities. It is hoped that they will increase the cover and quality of services and improve the implementation of the various health strategies in accordance with local needs and resources.

660. At present the public sector accounts for 73% of the health cover (generally with scant resources), social security (the Social Insurance Institute (IPS) and other public-sector social security funds) for 17%, and private prepaid medical services for 10%.

- **Information on the children having access to and benefiting from medical assistance and health care, as well as persisting gaps, including by gender, age, ethnic and social origin, and measures adopted to reduce existing disparities**

661. Health care has been infused with new energy as part of the process of democratization and decentralization and now has the active participation of local authorities and grass-roots organizations. This new energy has facilitated the attainment of joint objectives in the promotion and provision of health care and in preventive action through united efforts which have in turn led to achievements that are noteworthy in global terms.

662. The following were the main achievements:

(i) Consultations, hospital admissions and vaccinations were increased by 10%, with the benefits of health care reaching 3.25 million people;

(ii) Under the Strategic Social Development Plan of the Secretariat for Social Action of the Office of the President (involving the Legislature and the Judiciary, departmental and municipal authorities, political parties, the business sector, trade unions, rural organizations, the churches and civil society) medical care was provided in 127 townships in the departments of Concepción, San Pedro, Caaguazú and Canindeyú and to 13 groups in the peri-urban area of the capital. Training was given in collaboration with rural organizations to 2,000 voluntary health extension workers in rural and indigenous areas and to 216 traditional midwives.

(iii) In conjunction with UNDP and the Jasmin Foundation mobile teams were set up for prevention and treatment campaigns, including the Pap-mobile, the Odonto-mobile and the Health Train, which brought health services to the community at no charge and without people having to travel from their homes or places of work.

(iv) The work of focusing on vulnerable groups in rural and indigenous townships was continued, but attention was also given during this period to the services available on the outskirts of Asunción, which were rehabilitated and expanded, for they were out of step with the demographic situation and the demand for services. For example, 84 new health posts and eight health centres were built and six maternal and child hospitals were refitted throughout the country. The residents of San Lorenzo, Fernando de la Mora, Limpio, Mariano Roque Alonso, Loma Pytá and Lambaré now have a district-hospital infrastructure in keeping with the present size of these towns of the metropolitan area.

663. The medical-care deficit varies between the city of Asunción (15.8%) and the rural departments of Misiones and Guairá, which have the lowest rates, and the departments of Presidente Hayes (68.8%), Caaguazú, Paraguarí, Caazapá and Cordillera, which have the highest.

664. According to Health Ministry data, one third of deaths among children aged under one year occur without any prior medical treatment (581 of the 1,570 such deaths in 1995). This figure are even higher for post-neonatal deaths (46%), followed by deaths during the first day of life (30%). (See table 11 on page 25 of the report of the Technical Planning Secretariat annexed to this report.)

. The measures adopted to ensure a universal immunization system

665. With regard to measures to prevent infectious and contagious diseases, one of the biggest public-health efforts has been concentrated on universal coverage for immunization by vaccination. However, a series of data for the period 1991-1995 shows that, with exception of "boosters", the cover has declined for the various doses of the vaccines considered.

666. In fact, for the initial shots of DPT and polio vaccine the reduction was in the order of 10% for children aged under one year and 2% for the 1-4 age group. The rate for measles vaccination varied but at the end of the period stood at the same level of cover as in 1991.

667. In general terms 1992 had the best level of cover, but from that year the figures show a slight but sustained decline. Where some improvement is seen, even though the overall cover is lower, is in the concentration of the three shots of DPT and polio vaccine in the first year of life: in 1991 the difference between the first and third shots was about 15% but by 1995 it had fallen to about 6%. The reverse was true of the vaccination of the 1-4 age group: as would be expected, the proportion of vaccinations rose between the first and third shots.

668. As pointed out above, for the vaccination of one-year-olds against polio the cover was the same at the beginning and end of the period although it varied within the period in a downward trend. The decline is clearer for the 1-4 age group, especially from 1993.

669. In the case of BCG vaccination the decline was bigger for the 1-4 group (50%) than for one-year-olds, but the biggest drop was for seven-year-olds (47% in 1991 and 18% in 1995).

670. The administration of tetanus toxoid vaccine to pregnant women did not escape the decline registered for child vaccination, with reductions in the first and second shots during the period. However, in this case the increase in booster shots, at even higher levels than the proportions of first and second shots, when set against the increases in shots at other ages (which might include non-pregnant women) shows that women were being vaccinated even before pregnancy and that the vaccinations administered during antenatal checks were only boosters. If this interpretation is correct, tetanus toxoid had the best coverage during this period, just like measles vaccination in the preceding period.

671. The general objective of the "Immunizations" project was to contribute to the attainment of the following targets of the National Plan of Action for Children (PNAI):

(a) Certification of the eradication of poliomyelitis;

(b) Reduction of neonatal tetanus from 28 cases in 1991 to none in 1999;

(c) Reduction of measles morbidity by 90% from 225 cases in 1991 to 24 in 1999;

(d) Reduction of measles mortality by 95% from 15 cases in 1991 to one in 1991.

Although all these targets were set for 1991, at the beginning of 1994 they were converted into interim targets to be attained by the country; this entailed an enormous effort for the National Programme.

672. Paraguay was declared free of polio virus in mid-1994: no cases had been recorded for 12 years.

673. The target of eliminating neonatal tetanus is over-ambitious in view of the low cover of tetanus vaccination of women of child-bearing age and the severe limitation of the Health Ministry's financial and human resources, which prevents any extension of the cover.

674. The national targets set for measles were attained in 1996. But the low rate of cover at the district level and weaknesses in the epidemiological monitoring system led to an outbreak of a measles epidemic which has spread to the whole country since July 1997. This development highlighted the weakness of the expanded immunization programme, which failed to maintain effective levels of cover, certainly not in all districts, which would have sustained the progress made up to 1996.

675. All the general objectives, specific objectives and targets set in the cooperation programme have been incorporated in and therefore form part of the national expanded immunization programme.

676. During this period UNICEF assistance was the main source of technical and financial resources for the development of grass-roots operational activities to increase the coverage under the regular programme, the support given to the measles vaccination campaigns in 1995, 1996 and 1997, and the training of health personnel at the local level to avoid missing opportunities for vaccination. Support was also given to the epidemiological monitoring system for flaccid paralysis and the widespread training of traditional midwives and extension workers to promote anti-tetanus vaccination.

Attainment of specific objectives

1. Expansion of vaccination cover

Objective

To achieve and sustain between 1995 and 1999 a 95% rate of coverage for all vaccines under the expanded immunization programme for children aged under one year and to administer two shots of tetanus toxoid vaccine to women of child-bearing age in areas of high risk.

Results

Support was given to the regular programme in the country's 18 health regions and to three measles vaccination campaigns (1995-1996). The strategy of house-by-house vaccination in urban areas and areas of endemic risk and of concentration vaccination in thinly populated rural areas was facilitated by the provision of funding for operational costs (subsistence, materials, travel). Support was also given to the flaccid paralysis monitoring system.

Funds were provided for the printing of teaching and educational materials to back up the regular programme and the campaign.

Achievements

The number of cases of flaccid paralysis was reduced from 23 in 1991 to 19 in 1996. Paraguay is one of the few countries in the Americas which is meeting 100% of the international requirements for the eradication of polio.

The national budget makes regular provision for the purchase of vaccines.

This is one of the few projects which undertakes local programming of activities.

Difficulties

The programme established the following targets for immunization cover (four vaccines) for the period 1995-1999: 1995 - 80%; 1996 - 85%; 1997 - 88%; 1998 - 90%; and 1999 - 95%. The 1996 targets were not attained; the rates of cover were DPT - 80%, measles - 81%, polio - 81%, and BCG - 89%. This was due to the lack of human and financial resources to carry out the vaccination work in areas of difficult geographical access.

Priority was not given to high-risk districts.

The role and participation of departmental and municipal authorities with respect to health have not been defined. There is thus no local commitment to support the vaccination work, which is regarded as a responsibility of the Ministry of Health and Public Welfare.

A smear campaign against the Ministry had a big adverse impact on the success of the measles vaccination campaigns in 1995 and 1996.

2. Strengthening of the health services

Objective

To strengthen the health services by means of personnel training, elimination of missed opportunities for vaccination, local planning, and provision of equipment and materials for the cold chain.

Results

The expanded immunization programme is one of the Health Ministry's better-structured programmes and one of the few projects which undertakes local programming at the district level.

The sustainability of this programme is assured in terms of the availability of vaccines and funds for human resources, for 100% of the regular costs is included in the national budget.

Eighty% of health personnel has received training in the cold chain and in missed vaccination opportunities.

Ninety% of the health services is well equipped in terms of the cold chain, vaccines and the necessary materials for the storage and administration of vaccines.

Difficulties

One of the programme's main difficulties is the lack of awareness and of support for health personnel when they carry out extramural activities to increase the cover in places of difficult access.

The Ministry's epidemiological monitoring system does not have the necessary support of the scientific and academic communities.

Despite the efforts made, the concept of seizing opportunities of vaccinating children and women of child-bearing age has not been incorporated in the working routine of health personnel, especially doctors.

The epidemiological monitoring system does not achieve its purposes, for information is not circulated sufficiently promptly for action to be taken at the regional and district levels.

Staff training, which must be a permanent activity owing to the constant staff turnover, is sustained only by international cooperation, for Paraguay's own resources are insufficient to cover training and extraordinary operational activities.

3. Promotion of vaccination

Objective

To carry out an education programme to publicize the importance of vaccination for women and children within the context of the promotion of the integrated measures contained in "Para la Vida" ("For Life").

Results

677. The Health Ministry did not prepare an education strategy exclusively to promote vaccination, but several measures were taken, for example the printing of educational materials, leaflets and posters and the production of radio and television spots to support the vaccination campaigns. The Paraguayan version of "Para la Vida" was published and is being used at training events for mothers, extension workers and traditional midwives.

678. One strategy was to undertake the widespread training of health extension workers to promote the integrated measures contained in "Para la Vida". The support of these workers has been noted as very important for the dissemination of the messages of health promotion and education, for there are no resources for use of mass media such as television at the national or district levels.

Achievements

There is a good and spontaneous demand from people living in urban areas.

Some 4,550 health extension workers were trained and they were well received in the community.

The health regions and some of the health centres have health educators to boost health promotion and disease prevention in rural areas.

Difficulties

Government agencies and international organizations have not got the resources to fund radio and television spots; this is a serious constraint on the dissemination of information.

- **To combat disease and malnutrition, including in the framework of primary health care, through inter alia the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into account the risks and dangers of environmental degradation and pollution; reports should indicate the overall situation, persisting disparities and difficulties, as well as policies to address them**

679. The UNICEF health cooperation programme gave priority to activities conducive to the attainment of the interim targets mentioned above by means of:

(a) Institution-building projects in the sector based on training, planning and local administration of operational resources;

(b) Active grass-roots participation through the pastoral children's programme run by the national team of Pastoral Social and the Health Ministry's traditional midwives programme, which institutionalizes the presence of grass-roots actors in the management of health;

(c) The use of strategies of social mobilization and communication, involving the training and monitoring of 4,550 health extension workers and the training of pharmacists and medicine retailers in the early detection of indications of risk of respiratory infections or dehydration and recognition and referral of pneumonia.

. **The proportion of children with low birth weight**

680. According to the national demography and health survey the proportion of new-born babies with low birth weight, i.e. below 2,500 grams, was 8.9% in 1996 and 1997.

. **The nature and context of the most common diseases and their impact on children**

681. Tetanus remains the fifth cause of death among the newly born. Most of the reductions have been recorded in infectious causes of death such as pneumonia/influenza and diarrhoea (78.6 and 66.7%), which already stood at very low rates at the beginning of the period, while the main problems in reducing neonatal mortality were connected with causes whose alleviation requires improvement of the institutional infrastructure for care of new-born babies. This entails in turn the need for greater investment in the health sector to prevent congenital disorders, premature births, neonatal infections, and injuries caused during delivery. For children aged under one year birth injuries remain the main cause of death. The behaviour of diarrhoea is striking: in 1991-1995 it moved erratically in the order of prevalence, being the fourth cause of death in 1995. There were increases of 9.1% in congenital disorders and 1.5% in meningitis; the biggest reductions were in malnutrition/anaemia and tetanus (56.4 and 35.7%).

682. For the 1-4 age group the commonest problems were infectious respiratory diseases and diarrhoea, which remained the principal causes of death, followed by malnutrition/anaemia. The greatest difficulties were encountered in the reduction of pneumonia and influenza, diarrhoea and meningitis.

683. According to the behaviour of the epidemiological profile in the period under consideration, the biggest problem in the 1-4 age group was to prevent deaths from infectious and contagious diseases and from diseases which are traditionally not prevented by vaccination. In the case of diarrhoea a comparison of the findings of the 1995/96 surveys show an increase of about 39% among under-fives.

684. One of the most important variations found by the two surveys was that in 1990 most of the cases occurred in urban areas but five years later the countryside was more severely affected. This fact seems to be connected with the increases recorded in the east and centre-south of the country, where the rise in the number of cases was about 50%.

685. Although the preliminary data from the 1995/96 national demography and health survey do not disaggregate the various forms of treatment for diarrhoea, what emerges at first reading is that the treatment rate has increased to cover more than 90% of the cases; most of the care is provided in the patients' homes, with the sole exception of Greater Asunción where about 50 of the treatment takes place "away from home".

686. The profile of neonatal mortality in the period 1995-1996 shows that respiratory diseases retreated from fifth to seventh cause of death, with an effective reduction of the rate from 0.28 per 1,000 births in 1991 to 0.06 per 1,000 in 1995. The decline was less in post-neonatal mortality, where these diseases alternated with diarrhoea as first and second cause of death, and the rate remained almost constant at 2.23 per 1,000 in 1991 and 2.32 in 1995. Thus the total reduction of infant mortality in the period varied between 12 and 10% and seems to have been due more to variations in the neonatal than in the postnatal period.

687. As in the case of diarrhoea, it is in the 1-4 age group that pneumonia and influenza were the commonest causes of death, remaining constant initially but falling from 20.8 per 100,000 inhabitants in 1992 to 17.9 per 100,000 in 1995.

688. According to Health Ministry data, there were 54,190 cases of respiratory infection morbidity in 1994, 10% of them serious. More cases of respiratory infection were recorded in Asunción and the departments of San Pedro, Concepción, Alto Paraná and Itapúa. In interpreting this order of prevalence it must be borne in mind that the number of acute cases in Asunción and even Itapúa (10 and 7%) may be a reflection of the hospital facilities available in those places; in the departments of San Pedro (36%), Concepción (17.9%) and Alto Paraná (14.6%) the incidence of acute cases is reversed, indicating a failure to provide timely treatment.

689. Another typical health problem in Paraguay is iodine-deficiency goitre. The latest figures on the incidence of this disease are for 1988, when a national study revealed that 49% of the population in the 5-15 age group was affected by an iodine-deficiency disorder.

690. A number of measures have been taken at the national level to tackle this problem, including regulation of the sale of iodized salt and the supply of iodine-oil capsules for schoolchildren. But despite these efforts the consumption of iodized salt is still too low, especially in the country's rural areas (57.9%).

691. Paraguay has the following programmes to eliminate these evils:

Control of diarrhoea

General objective

To contribute to the attainment of the following targets:

(i) Reduction by 50% of deaths due to diarrhoea in under-fives;

(ii) Reduction of the malnutrition rate in under-fives by means of correct management of diet in the home during and following episodes of diarrhoea.

692. These targets were set in the light of the 1991 data, which were the latest available at the time. In the past three years emphasis has been given to technical support to supplement the regulatory process, the programming of the education campaign, and the review of public communication materials.

693. At the operational level support was given to the training of the personnel of the institutions concerned, volunteer health extension workers and traditional midwives. Oral rehydration salts were regularly supplied (150,000 sachets per year). At the grass-roots level support was given to the implementation of a house-to-house campaign to improve recognition of pneumonia and maternal risk in six vulnerable regions.

694. The trend in the infant mortality rate (IMR) due to diarrhoea is shown in the following tables.

Projected and actual evolution of IMR due to diarrhoea
(children aged under one year)

	1990	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*	*1998*	*1999*
Target IMR (per 1,000)	4.2	2.6	2.5	2.5	2.4	2.3	2.1	1.8	1.6	1.3
Recorded IMR (per 1,000)	4.2	2.6	1.5	3	3.3	2.4	-	-	-	-

Projected and actual evolution of pre-school IMR due to diarrhoea
(children aged one to four)

Reduction by 50% from 3.8 per 1,000 in 1991 to 1.9 in 1999	***1990***	***1991***	***1992***	***1993***	***1994***	***1995***	***1996***	***1997***	***1998***	***1999***
Target IMR (per 1,000)	6,3	3,8	3,7	3,6	3,5	3,4	3,0	2,7	2,3	1,9
Recorded IMR (per 1,000)	6,3	3,8	2,8	4,8	5,2	3,4	-	-	-	-

695. Taking 1990 as the base year the rate is seen to decline by 50% for children aged under one year and for the 1-4 age group. However, the 187 deaths caused by diarrhoea among five-year-olds in 1995 still constitutes a high rate.

Specific objective

To ensure that all cases of diarrhoea attended by health-service professionals receive proper treatment and to improve the quality of the care of children with diarrhoea.

Results

The results are not yet all in. The activities undertaken in connection with this objective were aimed at correcting the faulty management of diarrhoea in the health services and by providers of grass-roots services. To this end the project stressed the training of health personnel, extension workers, rural pharmacists and traditional midwives.

Two courses were held on management and supervisory skills, together with integrated workshops on infant survival and development, with emphasis on the proper treatment of diarrhoea and acute respiratory infections in 15 of the 18 health regions. Over the past two years training has been given to some 78 doctors, 510 nurses and 4,550 extension workers, and 5,000 copies of the simplified rules on acute diarrhoeal diseases (ADD) for health professionals (1996) were reprinted.

Studies entitled "ADD management by doctors and nurses" (1997) and "National serum-production capacity" (1997) were produced. At the request of the Pan-American Health Organization (PAHO) and the World Health Organization (WHO), a technical team was created from representatives of the scientific, academic and operational worlds in order to strengthen the implementation of the programme, in which UNICEF is an active participant.

Achievements

Extensive information produced by an operational study is being used to correct the deficiencies found in personnel training.

82% of health professionals (nurses) received training in the past five years thanks to UNICEF assistance.

The training of nurses and health educators and the role played by them have helped to improve the management of cases, mainly as a result of the education of mothers.

Difficulties

Extensive training has been given and treatment rules introduced, but the rules are not applied in the management of cases, especially with regard to the children's diet. A survey on the management of diarrhoea showed that:

- It is managed properly by 22.5% of professionals in the patient's home without dehydration by following the three rules of oral rehydration therapy;
- Food intake is restricted during episodes by 58% of the personnel;
- Only 22.5% advise the mothers about warning signs and means of prevention;
- When the rules were not followed, management of diarrhoea resulted in dehydration;
- Serum is administered according to the rules by 58.5% of the personnel.

The health services have not succeeded in consolidating the establishment of oral rehydration units (ORU) because the regional and local authorities attach so little importance to them as a basis for the treatment and recovery of the children, health education, and personnel training.

The result is that Paraguay lacks model diarrhoea-treatment units in its teaching and regional hospitals.

Most of the materials and equipment supplied for these units during the previous cooperation period have been dispersed throughout the service and are used for other purposes.

The epidemiological monitoring and supervision systems have been ineffective and are barely operational.

Specific objective

To encourage the use of oral rehydration therapy (ORT) and the correct feeding of children with diarrhoea in 80% of households.

Results

A 1994 study resulted in the reintroduction of the ORU volunteer as the sole agent for treating diarrhoea in the community in order to make best use of the available human and financial resources. This function was then transferred to health extension workers and traditional midwives under the "midwife friend" project. Over the past two years the project has been giving emphasis to the integrated training of this personnel through the Ministry's health regions and the Pastoral Social team. Training has been given to 4,550 extension workers and 985 midwife friends.

There were reprintings of 5,000 copies of the handbook on rules for the management of diarrhoea by volunteers and 5,000 copies of the rules for management of acute diarrhoea and acute respiratory infections by rural pharmacists.

The network of community members capable of delivering oral rehydration salts and oral rehydration therapy was expanded as a result of the training of 958 midwife friends, 310 traditional healers, and rural pharmacists.

A survey was carried out in 1995 to determine how the oral rehydration units (ORU) were functioning, and in 1997 a further survey enquired into the knowledge and use of ORT in the home.

A 1996-1997 campaign visited 76,000 households to promote ORT.

Achievements

The survey on the functioning of the ORUs showed that a unit was not known as such but rather as the house of an extension worker who could help neighbours with health problems, that 90% of senior staff and extension workers managed cases of diarrhoea in children correctly, and that 96% knew where and how to refer cases in good time. It was also found that 58% of the ORUs visited kept a register of cases treated and referrals.

The network of ORT suppliers and experts was expanded by incorporating local midwife friends, pharmacists and traditional healers.

The findings of a CAP survey of heads of household and ORUs are being used to reorient the activities.

Difficulties

Supervision of the ORUs and extension workers has been weak owing to the failure to get the programme taken over at the local and regional levels, sometimes for financial reasons.

The supply of ORS to the ORUs was not uninterrupted.

The critical point in the mothers' knowledge and practice remains the continued feeding of children with diarrhoea, which is supported by the attitude of health professionals, as already pointed out.

Specific objective

To help to guarantee the availability of ORS throughout the country by encouraging local production.

Results

Ever since 1980 the Health Ministry's total supply of ORS has come from UNICEF.

A national survey carried out early in 1997 to determine the local capacity to produce ORS indicated a maximum national production potential of 150,000 litres a year by the Asunción and Lasca laboratories, which would be used to meet the Ministry's demand. At present the private companies producing or importing ORS supply not more that 26,000 litres a year, amounting to only 10% of the market, for the remainder is met by salts supplied to patients free of charge by the Ministry.

Achievements

Extensive information is now available for use in political decision-making to support increased national production and local procurement with public funds.

Although the quantities are limited for the reasons pointed out above (production and cost to the public), ORT solutions can be found in the country's most remote pharmacies.

The Social Insurance Institute purchases with its own funds 50,000 kilos of salts a year from Argentine laboratories for use by its members.

Difficulties

UNICEF has kept the Ministry regularly supplied with salts. But programming errors due to faulty management of the central pharmacy meant that salts were not available for use in the summer of 1996/97. This prompted a rapid reaction by UNICEF, which obtained 40,000 sachets as a loan from the Ministry of Health of Peru. The situation had returned to normal by early 1997.

The distribution of salts from the centre to the regions passes through several bureaucratic barriers - the reason for the local and regional shortages in the summer of 1996/67.

Salts and/or solutions are very expensive in the private commercial market, ranging from $2.40 to $7.00 a litre to the public.

Given an annual output of 150,000 litres, the cost could be cut to $1.50 (Asunción Laboratory) and $2.40 (Lasca Laboratory) a litre. Even these prices are high in comparison with the $0.10 cost of a UNICEF litre.

Control of acute respiratory infections

General objective

To contribute to the attainment of the following PNAI target:

(i) Reduction by one third of the deaths due to pneumonia among under-fives (263 in 1991) to fewer than 87 in 1997.

696. Measures to control acute respiratory infections (ARI) were introduced in nine of the initially planned 11 regions regarded as priorities from the social and epidemiological standpoints. The plan was to tackle, despite the difficulties, the main factors determining the high mortality rate from pneumonia, such as late recourse to treatment, failure to recognize the warning signs, failure to administer the standard treatment in the health services and the community, and poor access to the necessary medicines.

697. Over the past three years the project has been emphasizing the training of health personnel, voluntary health extension workers and midwife friends in San Pedro, Amambay, Alto Paraná, Canindeyú, Caazapá, Guairá and Misiones.

698. Despite the fact that 90% of professionals received training, the application of the rules was not as successful as expected.

699. Infant mortality from pneumonia is declining. The planned targets are being attained for children aged under one year. However, the gap between the plans and the achievements in terms of the number of deaths among under-fives may be due to a levelling-off of the mortality reduction in this age group.

Specific objectives

To establish a standard treatment for ARI in all the health services and ensure that 80% of cases are receiving this treatment by 1999. To guarantee the supply of medicines for treating pneumonia.

Results

The results are not yet all in. All the activities planned under this objective were implemented. However, the cover of the training activities is still insufficient, for it does not reach 100% of the staff of the hospitals and health posts and centres (especially the doctors) as initially planned.

The strategies of this component of the project require further study at the central and local levels, for despite the efforts made the expected results are not being obtained.

Big efforts have been made with respect to training and publicizing the rules in the nine health regions initially covered. Training was given to 766 doctors and some 600 health-post auxiliaries.

The simplified rules for treating children with ARI were printed for health professionals.

At the request of PAHO a central technical group was formed to collaborate on the general administration of the project.

In 1995 and 1996 UNICEF supplied the Health Ministry with drugs to meet the needs of about 70% of non-acute cases of pneumonia (amoxycillin and sulfamethoxazole).

An attempt (unsuccessful because of bureaucratic and legal problems) was made to encourage the operation of people's pharmacies to facilitate grass-roots access to medicines.

Achievements

The standardization process was completed.

Antimicrobials were supplied to treat 70% of ARI cases at the first level of care.

The simplified plan for managing ARI was incorporated in the pre- and post-graduate curricula in the Faculty of Medicine and Nursing and at the technical levels of the health services.

The Ministry's health regions purchased medicines for the programme with their own funds but the cover has been limited both in quantity and in terms of distribution to the people.

Difficulties

No regional plans for integrated action were prepared, and activities were carried out on an ad hoc basis rather than in accordance with an overall view of the process. The reluctance of regional and/or local managers to accept the importance of ARI as a cause of death and disease was an obstacle in this respect.

The successful projects were the ones with a focal point who had a practical sense of the need to implement the programme.

Although 75% of the personnel had been trained, there was a failure to apply all the standard medication concepts, and the importance of pneumonia remained under-rated.

The ARI treatment units failed to function despite having the equipment supplied by UNICEF during the previous cooperation period. The units were not regarded as a tool for improving treatment and patient monitoring or as a place for in-service training.

The quality of the care provided by the services is offputting for patients at all levels, and this limits the use made of the services.

In most of the regions progress has been slow in making the regional officials aware of the need to promote local management and grass-roots participation and to mobilize local resources to guarantee the supply of ARI drugs.

Pneumonia information campaign

Specific objective

To ensure that 50% of families are trained to recognize the early symptoms of pneumonia and to call in the health services in good time.

Results

This objective has been one of the most difficult to achieve owing to the large number of missed opportunities in health institutions, schools, colleges and churches and at community meetings, etc., which facilitate the dissemination of concepts and educational messages households.

The Directorate-General for the Promotion of Health Education carried out a house-to-house campaign in 10 health regions to promote the early recognition of the symptoms of pneumonia. This campaign reached 76,000 rural households. Educational materials (leaflets, posters, transfers) were printed to back up the campaign.

The Health Ministry and Pastoral Social gave training to 4,550 extension workers, 985 traditional midwives, 310 traditional healers, and pharmacists.

Achievements

Reliable information, which is being used for reorienting the activities, was obtained from a survey of 36,000 households.

The pneumonia-recognition campaign visited 76,000 households in 10 regions.

Rapid breathing is recognized by 96% of traditional midwives as a symptom of pneumonia calling for urgent referral.

Difficulties

The survey shows that despite the efforts made over recent years only 35% of the families questioned recognized any of the symptoms of pneumonia.

Accordingly, one of the main factors determining the high mortality rate from pneumonia among under-fives in Paraguay is still the low level of demand for treatment of children owing to ignorance of the danger signs.

Additional problems are difficulty of access to the services and economic barriers, for in the health services the total cost of hospitalization and medicines must be borne by the patient.

Although the house-to-house education campaign was very well received, its impact was restricted by people's poor motivation and the scant human resources, factors which usually lead to unsatisfactory results where coverage is concerned.

Control of iodine-deficiency disorders

General objective

To help to achieve the universal iodization of salt in Paraguay by 1995 in order to secure the permanent elimination of iodine-deficiency disorders (IDD).

700. This objective was part of the strategy adopted by Paraguay in 1992 in compliance with the proposal of the World Summit for Children and the recommendations on the elimination of IDD before 2000.

701. Although the salt-iodization target set for 1995 was not achieved, 65% of salt at the consumer level and 66% at the retail level were properly iodized.

702. Measurement of the concentration of iodine in urine was the main indicator used by the programme, and its evolution demonstrates the progress made in the country's principal risk areas. Iodine deficiency is virtually under control in these areas, for the average iodine concentration rose steadily from 7.2 mg/dl (4.3% of samples below 5 mg/dl) in 1988 to 14.8 mg/dl (21% of samples below 5 mg/dl).

Specific objective

> To consolidate the commitment of the Government, the private sector and local communities to comply with the standards and rules which make the effective iodization of salt for human and animal consumption compulsory.

Results

> As a result of the efforts of the Health Ministry and UNICEF, on 5 September 1994 by Decree No. 5401 the Government declared compulsory the iodization of salt for human and animal consumption and industrial use.
>
> One of the project's main focuses was to secure the participation of regional and local authorities (departmental and municipal governments); they assumed their standard-setting and regulatory functions in a responsible manner by promulgating regulations, orders and other instruments of control to ensure that the salt marketed in their areas of jurisdiction was iodized.

Achievements

> Paraguay's legislation on compulsory use of iodized salt is probably one of the best and most comprehensive in the South American region.
>
> Local and regional political and community leaders were made aware of the problem and their commitment was secured.
>
> Local regulations have added force to the activities of the Health Ministry and have established control over the quality of the iodized salt marketed in the local jurisdiction.

Difficulties

> The national legislation has not been observed to the expected degree. For reasons which escape the programme's managers, the section on the punishment of violators was not drafted sufficiently strongly.
>
> There has been little of the necessary coordination to combine the supervision and technical monitoring under the programme with the corresponding legal measures (to be enforced by the municipalities).

Specific objective

> To encourage importers, middle men and wholesalers to establish cold chains for the marketing and distribution of iodized salt in areas of identified risk.

Results

All the salt offered for sale in Paraguay is transported from Brazil, Bolivia, Chile or (mainly) Bahía Blanca in Argentina, 2,000 kilometres from Asunción. This means that carriage makes up a large part of the product's final cost.

There are no reliable official records of Paraguay's total annual imports of salt. According to the Central Bank, 30,000 tons were imported in 1995 and 25,000 tons in 1988, with a downward trend observable between these two years. Clearly, there is much under-recording of salt imports.

The programme worked with importers, middle men, producers and distributors to secure their assistance to increase the supply of iodized salt.

Importers: salt imports are monopolized by five recognized companies. Yuky S.A. controls more than a half of the total, followed by Kameko with a little under a quarter; the other three companies share the remainder, each holding between five and 10%. The scale of smuggling by informal agents is not known but it would not seem to be very large.

Middle men: most of the salt is acquired in bulk by wholesalers for the market and by livestock farmers to feed to their animals. This process has led to the establishment of chains of middle men who act as intermediaries between the importer or wholesaler and other dealers.

Distributors: there is a category of big and small dealers who distribute the salt throughout the country, placing it in stores for retail sale. Distributors buy salt directly from an importer, middle man or producer and then rely either on regional wholesalers or place the product directly in retail stores themselves.

Patient work was done with all these businesses to inform them about the necessary technical procedures, to ensure a supply of potassium iodide, to get them to contribute to the financing of the iodization plant, and to motivate them to accept the changes and the import and production controls on iodized salt.

Achievements

A system was established for weekly checks on importers, middle men and producers.

Relations have been good with local authorities and with the beneficiaries in general, who have accepted the programme's regulations.

Difficulties

It has proved impossible to determine accurately the persisting gap between the total supply and demand for iodized salt. Despite the importance of this information for the programme, no study has yet been made on the subject.

The checking has not been regular owing to problems of logistical support.

The control mechanisms have not been sufficiently well coordinated with other agencies: the Ministry of Industry and Trade, the Health Ministry and the municipalities have done most of this work.

There is absolutely no information about salt distribution routes in Paraguay between the importers' warehouses and final consumption. As a result, no systematic approach has yet been made to distributors.

Specific objectives

To ensure that the main producers maintain adequate levels of iodization. To guarantee an adequate supply of potassium iodide.

Results

Producers: this group consists of small firms (probably former middle men) who buy the raw material from importers (fairly damp salt, which costs less) and then process it. This arrangement turns them into small-scale industrialists, who received technical assistance up to the end of 1995.

Three firms (Rombo, Salero and Ecomín) took an active part in improving the quality of their product in accordance with the regulations in force.

A revolving fund for potassium iodide was established in 1995 with seed funding from UNICEF in order to facilitate the iodization of salt by these firms, which control 25% of the market in salt for human consumption. This fund worked fairly well in 1996 but there were product shortages in 1997 owing to poor planning of the requirements.

Efforts were focused on the decision of Yuky S.A. to install an iodization plant with a production capacity of 26,000 tons a year. UNICEF played an important part in obtaining financial support from the Government through the Health Ministry's Secretariat for Social Action.

Achievements

The programme managed to secure adequate levels of iodization by three salt-milling companies; this was an indisputable success.

These three companies are thought to account for 25% of the market in salt for human consumption - a not inconsiderable proportion.

The revolving fund for potassium iodide is an important instrument for facilitating and promoting salt iodization.

Producers have accepted iodization as a regular step in the production process. This was made possible by the support given by the IDD programme in the shape of UNICEF technical advice.

The Yuky S.A. iodization plant was installed and is currently undergoing testing; it should be in full operation from October 1997.

Difficulties

The shortage of potassium iodide in the first half of 1997 created tensions and problems in the three production enterprises, which found themselves without inputs to carry out the programme.

The interruption of technical advice to small firms had an adverse impact when they were in the initial stages of improving their product.

The installation of the iodization plant was seriously delayed by bureaucratic problems requiring several months of negotiations, at which UNICEF was a constant presence.

Specific objective

To generate and sustain a demand for iodized salt among residents of risk areas by means of an intensive consumer-education campaign.

Results

With respect to the demand for salt it was thought important to encourage consumers and livestock farmers to change the prevailing consumption habit of using coarse common salt, generally non-iodized. A set of promotional activities was devised in order to present the benefits of the new product in a simple and convincing manner. The desired result was to change the consumer's behaviour with regard to salt.

Work was done with institutions and with political and administrative decision-makers, top-level authorities, officials of the Ministries of Health, Education, Agriculture and Industry, customs officials, governors and mayors, NGOs, livestock associations, the Episcopal Conference, the Medical College, the mass media, etc. The aim was to build alliances with these facilitators and persuade them to take action to help to attain the objectives.

Various printed materials were produced (posters, leaflets, fliers, etc.), together with audiovisual aids (radio slots, educational videos). These materials were distributed to the country's departments, with priority given to areas where there was evidence that IDD constituted a major problem.

Achievements

Attention must be drawn (i) to the excellent work done by the national education system (teachers made themselves into leading promoters of iodized-salt consumption among their pupils and the general public) and (ii) to the part played by the industry's middle men, producers and distributors in the promotion of iodized salt. The latest poster, produced with support from eight companies, transmits the message in a clear, simple and attractive manner far removed from the approach traditionally taken by the health sector in its promotional materials.

The national figures are extremely revealing. The 1995 national demography and health survey showed that 84.5% of households kept salt containing some iodine and that 64.6% of the salt had a good iodine content, 12.1% average, and 6.8% poor. The samples classified as "average" or "poor" contained iodine but at less than the desirable level, indicating an intention of the producer or consumer to offer or use iodized salt.

Difficulties

It has so far proved impossible to carry out an integrated communication and education strategy for the implementation of promotional activities. In addition, it has been impossible to find qualified and experienced people to develop such a strategy.

Both at the design and at the operational stage the IDD programme lacked the support of specialized personnel to guide the central group and the regional teams. UNICEF backed up the programme with its advice, but the general support was insufficient in time and content.

The promotional activities were costly, especially in the case of the mass communication media. What is needed is a strategy for defining priority areas and for intensive intervention in order to achieve the best possible cost/benefit ratio.

The iodization plant is not yet in operation, so that there are still supply problems with iodized salt.

Specific objectives

To develop a permanent system of supervision, monitoring and evaluation for the regional programmes. To develop a system for checking the salt and to upgrade the capacity of the central laboratory to determine the iodine content of salt and urine samples.

Results

The national programme encouraged the formation of regional teams to carry out the activities in the departments. Their main functions were to build a regional system for monitoring salt quality, to impose sanctions on purveyors of non-iodized salt, to promote the consumption of iodized salt among schoolchildren, and to keep watch on companies and retail stores. The work done by these teams was a factor in the expansion of the programme at the national level and its consolidation in the regions.

A permanent monitoring and evaluation system was established at the centre in order to direct the activities, identify problems in good time, make the necessary corrections, and determine the impact achieved. This was one of the few public health programmes to engage in planning, monitoring and evaluation by regular teams.

The salt monitoring system consisted of the monthly collection of samples from producers, importers, intermediaries and retail outlets. The samples were sent for processing to the National Nutrition Institute.

Iodine levels have been monitored through a national study of urine samples in schools; the results are being processed.

The National Institute's central laboratory was upgraded in terms of inputs, technical advice, training and temporary staff.

Achievements

The salt monitoring system has been operating on a permanent basis.

The IDD programme has succeeded in consolidating a central team which has assumed its functions with dedication, enthusiasm and professionalism, using a common methodology and operational approach; despite the changes that have taken place over recent years the team has sustained its dedication and its identification with the programme's objectives.

Difficulties

The failure to redesign the monitoring system when the programme was extended nation-wide caused operational complications.

There is no up-to-date document to guide the salt and IDD monitoring activities.

The laboratory's capacity to process salt and urine samples was overwhelmed when the programme went national.

- **The proportion of the child population affected by malnutrition, including of a chronic or severe nature, and lack of clean drinking water**

703. According to data from the national demography and health survey, about 17% of five-year-olds were registered as chronically malnourished (height/age below 2DS) and 4% as being underweight for their age; the figure for acute malnutrition (weight/height below 2DS) was only 0.3%. There are no post-1990 nutrition data for under-fives, but in view of the shortness of the intervening period it may be assumed that the situation has not changed significantly. The findings of the surveys of nutrition levels were published in the period 1990-1995: the first survey (1993) sought to determine the rate of chronic malnutrition among schoolchildren (aged six to nine) and the second (1994) the rate of anaemia in the 6-14 age group and among pregnant women in Central Department. The first survey indicated that some 10.3% of children aged six to nine had a height/age ratio below 2DS, slightly more that double the rate of 5% regarded as normal for Latin America. Small stature was commoner among boys (12.2%) than among girls (8.3%), but it must be remembered that the international parameters may be somewhat more demanding for boys - which would explain this difference.

704. According to an analysis of the data from the height survey, there are big variations between departments and between urban and rural areas (6.2 and 13.2%) and between public and private schools (11 and 3.9%). In all cases the evidence shows an association between the social and economic characteristics of the region and the physical development of the population surveyed.

705. Another striking point is that in virtually all the categories studied the rate of chronic malnutrition (height/age) increases with age, from 6.1% at age six to 18.8% at age nine. Here again the demands of the reference scale must be borne in mind, but in any event the data do show that the deficits of early childhood increase with age (see table 22).

706. The results of the anaemia survey also show dietary deficiencies (iron), although the levels were what might reasonably have been expected for the region: one in three pregnant women (33.7%) and one in five schoolchildren (20.4%) had haemoglobin levels below 11 g/dl and 12 g/dl respectively. These figures are similar to the ones recorded by PAHO in a national study in 1993 (35% of pregnant women). In the light of these data the Health Ministry is carrying out a national programme for prevention of iron deficiency; it has regional subprogrammes and various operational strategies, including: fortification of wheat flour with iron and vitamins; iron sulphate supplements for pregnant women; control of intestinal parasitosis among schoolchildren; and public information programmes on prevention of iron-deficiency anaemia.

707. There was a remarkable expansion of the supply of drinking water to households between 1982 and 1985. According to census data, in 1982 21% of dwellings had drinking water but by 1992 the figure stood at 42%. There was also a big increase in the drinking water supply between 1992 and 1995, by when more than 50% of the population enjoyed this service. (See table 24 in the document of the Technical Planning Secretariat in the annexes.) The various official estimates indicate that, while in Asunción and other urban areas the drinking water supply increased by a factor of 1.2 over the 1982 level, in rural areas it increased by a factor of 7.6. Even so, eight out of 10 rural dwellings still lack piped drinking water.

708. The 1995 household survey showed that the public drinking water systems of the Sanitation Works Corporation (CORPOSANA) and the National Environmental Health Service (SENASA) are

concentrated in Asunción; they cover 50% of the urban area of Central Department and other urban centres but very little of the country's rural territory (4.8%). Wells with pumps are the next commonest alternative, especially in urban centres in the interior (19.2%); in rural areas wells without pumps are commonest (69.4%) but in many cases the water's quality is too poor for it be considered drinkable. (See table 25 in the same document.)

- **The children provided with adequate nutritious food;**
- **The risks from environmental pollution and the measures adopted to prevent and combat them.**

709. The current situation of Paraguay's environment has been determined to a large extent by a series of problems connected with renewable natural resources and with the environment in general. The main problems are the loss of biological diversity, deforestation, the degradation of natural forests, soils and watercourses, and the public's ignorance. In order to tackle these problems the Government and the whole of society have been carrying out measures to secure a greater environmental awareness and thus a more rational use of natural resources.

710. The soil conservation programme was expanded and strengthened as one of the policies for the conservation and preservation of natural resources and the environment.

711. The first part of the project "National strategy for the protection and management of Paraguay's natural resources" was completed; it consisted of a search for consensus among professionals dealing with environmental problems in order to establish the main lines of a policy for the environment and natural resources which will point the nation's activities in the direction of sustainable social and economic development.

712. The environmental action taken by State agencies includes the following programmes:

Management of solid hospital wastes in the metropolitan area of Asunción and the department of Alto Paraná;

Management of non-hazardous solid industrial wastes;

Management of solid municipal wastes;

Environmental-quality laboratory;

Environmental;

Effluent control;

Control of toxic and hazardous substances.

713. The progress with respect to sanitation (disposal of excrement) has been slower than in the case of drinking water supply, although it is satisfactory for Asunción (91%) and the urban areas of Central Department (87%). In other urban areas one third of households uses communal latrines, and this proportion rises to 74% in rural areas. It is precisely this method of excrement disposal which makes the water taken from wells without pumps too unreliable to be considered drinkable.

- **To ensure appropriate prenatal and post-natal health care for mothers, indicating the nature of services provided, including appropriate information given, the coverage**

ensured, the rate of mortality and its main causes (average and disaggregated, inter alia, by age, gender, region, urban/rural area, social and ethnic origin), the proportion of pregnant women who have access to and benefit from pre and post-natal health care, trained personnel and hospital care and delivery;

714. Recorded maternal mortality is the fourth commonest cause of death among females aged 15 to 40 years. However, such deaths are known to be seriously under-recorded, so that the true maternal mortality rate lies somewhere between 131 and 286 per 100,000 live births according to national estimates or may even be as high as 386 per 100,000, which was the adjusted rate reported by the World Bank in 1995 (international estimate). In addition, not only does abortion remain the chief cause of maternal mortality but it is thought that the figures for other causes may be concealing inaccurate reporting of what are undercover abortions.

715. According to Health Ministry data for 1991-1995, maternal mortality declined nationally by about 20% but with such big variations between departments that it is difficult to identify any trend. In any event, it is clear that there are eight health regions with rates above the national average, indicating that the problem is fairly widespread. It must be pointed out here that the rate in Canindeyú Department, for example, is 2.5 times higher than the national average (343.6 per 100,000 live births), while the Asunción rate (99.9 per 100,000) is 75% of that average. This disparity in the indicators reflects inequalities between regions in terms inter alia of access to reproductive health and family planning services.

716. Recorded maternal mortality is related to the reproductive pattern of women and the forms of care provided during pregnancy, childbirth and the puerperal period, which vary according to the socio-economic characteristics of the mothers and the availability of reproductive health and family planning services.

717. According to data from the 1990 and 1995 national demography and health surveys, although was been a relative decline in antenatal care in general (88%), the number of medical checks was maintained at more than four per pregnant women at the appropriate times (69% in the first three months), the number of births in institutions rose slightly (55%), and 50% of the mothers underwent some kind of post-partum checks. With regard to the recorded 41% of births in the home, the Health Ministry has a "Clean childbirth" care programme which is administered in the home by trained personnel using basic equipment (see table 18). As in 1990, fewer antenatal checks took place in 1995 in the northern and eastern regions of the country.

718. Although it can not be asserted that maternity care is as good as it can be, the services do in fact provide a broad coverage which seems not to be reflected in lower rates of maternal and perinatal mortality, in the number of recorded pregnancy and childbirth complications, or in the number of caesarian deliveries. These contradictions were highlighted recently in an assessment of the reproductive health and family planning activities of the Health Ministry made by contracted professionals; on their field visits to the reproductive health services they found a different situation from the one reported by the 1995 and 1996 surveys: barely 30% of the women attending a health centre for delivery had undergone antenatal checks, the number of checks (if any) was close to the recommended minimum, and only 25% of the mothers attended for postnatal checks.

719. Accordingly, unless the data from the 1990 and 1995 surveys contain major errors it will at least have to be conceded that the situation varies greatly from one department to another and even between the health centres of one and the same health region; this would imply problems of service distribution or, what amounts to the same thing, serious inequalities of access to the services depending on geographical location. It will also have to be concluded that those places which have managed to

improve the coverage still have problems of the quality of the care, which will have to be solved if the results are to improve. (See tables 17 and 18.)

- **To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents; in this regard, information should also be provided on:**

- **Campaigns, programmes, services and strategies and other relevant mechanisms developed to provide basic knowledge, information and support to the general population, in particular to parents and children;**

720. The programme designed to provide information about improving the living standards of mothers and babies is called "Risk-free maternity".

Risk-free maternity

General objectives:

(i) To reduce the maternal mortality rate by 50% between 1995 and 1999 to a level of 83 per 100,000 live births;

(ii) To reduce neonatal mortality by 50% from 13 per 1,000 live births in 1991 to seven per 1,000 in 1999;

(iii) To help to reduce the incidence of low birth weight to under 10% of births by 1999.

721. The targets proposed in the project's general objectives, especially the one for the reduction of maternal mortality, were a response to the policies outlined at the World Summit for Children and contained in the National Plan of Action for Children (PNAI); Paraguay has not fully implemented these policies because given the critical situation of maternal health at the time a reduction by 50% in almost eight years was the most that could be planned for. These objectives form part of the national plan for the reduction of maternal mortality and the national reproductive health plan.

722. Although the present rate indicates that it is possible that the target will be achieved by 1999, there are serious problems with the collection of vital statistics which cause the figures to oscillate from year to year. There are also many factors having a direct impact on maternal mortality, especially socio-economic and cultural factors connected with the quality of hospital care and the late recourse to medical attention by the population at risk; these factors have not been corrected to a sufficient degree, so that the current achievements are fairly fragile.

723. The target set for 1995 was achieved, but the maternal mortality rate remains one of the highest in the Americas.

724. UNICEF cooperation in the period 1995-1997 was regarded as an important element in the implementation of the national plan for the reduction of maternal mortality. The main activities were the training of traditional midwives, who attend about 46% of births in Paraguay, the training of health extension workers by the Health Ministry and Pastoral Social, and the technical support furnished at the centre for the evaluation of the situation in the hospitals, the formulation of a strategic plan, and the drafting of technical rules for treatment. This project, known as "Thirteen steps to safe maternity" was begun in October 1997.

Specific objective

To build up the capacity of the regional health services and local systems to formulate and implement regional plans for "Risk-free maternity 1995-1999".

Results

This project is in its initial phase. Since the national plan for the reduction of maternal mortality was not implemented, the discussion turned at the end of 1996 to the implementation of the "Safe maternity" initiative as an alternative means of achieving on a small scale some of the components of the national plan.

At the request of UNICEF, early in 1997 the Health Ministry's Directorate- General for Family Health made an evaluation of the efficiency of the country's main maternity hospitals. It formulated the "Safe maternity" project as a means of improving the efficiency of the health services in caring for pregnant women and new-born babies. At the time of writing this report the project's regulatory and operational aspects of this project are currently being adjusted; the intention is to implement it in three regions from December 1997.

Achievements

The technical capacity at the centre was strengthened, making it possible to complete the drafting of the technical rules and the training scheme, which will introduce a new approach to personnel training in the health services.

A technical group was created to support the work on the project's technical and regulatory aspects.

There is now available an evaluation of the situation in the hospitals which is being used as a reference point for priority-setting in the three regions.

Difficulties

The poor managerial capacity and the lack of staff for the maternal health programmes at the central level were decisive factors in a process marked by its slowness even allowing for the fact that this was a new project requiring at this stage broad participation by regulatory agencies.

The evaluation of the health services had found serious difficulties connected with staff training, non-compliance with the rules, lack of basic inputs, and acute shortages of equipment and blood for obstetrical emergencies.

Antenatal care

Specific objective

To increase the cover of antenatal checks and attendance of qualified personnel at high-risk deliveries in the health institutions.

Results

Following on from the activities carried out during the previous cooperation period, training was given to health extension workers and traditional midwives to enable them to promote early antenatal checks and institutional care in the case of high-risk deliveries.

The Directorate-General for Health Promotion and Education ran a house-to-house campaign in 10 health regions on early recognition of the signs of high-risk pregnancy, pneumonia and acute diarrhoea. The campaign reached 76,000 rural households.

Educational materials (leaflets, posters, transfers) were printed to support this campaign, and loudspeaker and audio equipment was purchased for 16 regions.

Achievements

It is believed that the educational and promotional work done by health personnel, traditional midwives and extension workers contributed to the achievements:

- Early contact with pregnant women (68.7%);
- Coverage of antenatal checks (88%);
- More than four checks (56%).

According to Health Ministry data, the neonatal mortality rate was reduced from 23 to 17 per 1,000, but PAHO gives a different figure, arguing that the rate is between 34 and 39 per 1,000 when account is taken of under-recording, poor record-keeping in the relevant government agencies and, above all, the insufficient cover in rural areas.

Difficulties

One of the main determinants of Paraguay's high maternal mortality rate remains the poor quality of antenatal checks and the late recognition of the signs of risk for a pregnant woman.

The scope of the house-to-house education campaign was limited by lack of personnel and insufficient social mobilization.

The economic barrier and the treatment-quality factor in the health services continue to constrain the demand for antenatal checks and delivery in an institution.

Specific objective

To reduce by one third the incidence of iron-deficiency anaemia among pregnant women.

Results

This objective was incorporated in the training component of the projects on breastfeeding, traditional midwives, and training of health and nutrition extension workers.

Achievements

Notwithstanding the plans, iron sulphate was not delivered to the Health Ministry because it had been purchased by the health regions with their own resources.

As it is included in the curricula of the medical and nursing schools, the concept of administering iron supplements to pregnant women is very much part of the routine treatment provided by health personnel.

Difficulties

The coverage of the administration of iron supplements has been limited and interrupted by planning problems and the scant recourse to antenatal checks (43% of pregnancies have fewer than four checks).

Specific objective

To ensure that by 1999 80% of deliveries at home are attended by trained traditional midwives.

Results

The Health Ministry carried out a successful programme aimed at traditional midwives under the title "Mother-and-child-friendly midwives" which concentrated on imparting knowledge, changing attitudes, and putting across the following five basic messages: (a) early recognition of pregnancy risks and prompt referral; (b) promotion of clean deliveries; (c) encouragement of breastfeeding; (d) recognition of the symptoms of acute respiratory infections and acute diarrhoea; and (e) promotion of vaccinations for mothers and children.

The programme prepared technical standards for the trainers and training modules and handbooks for the midwives, together with sets of simplified drawings to make things easier for the women who could not read or write.

Over the past three years some 985 traditional midwives throughout the country received training under the programme. They were encouraged to use the "Clean delivery" kits, 35,000 of which were acquired by Paraguay over the past three years.

Achievements

The programme was widely accepted by the midwives and by health personnel and it was carried out in coordination with the Catholic Church's pastoral project for children.

The number of mothers and new-born babies referred by traditional midwives rose remarkably.

Health Ministry surveys show that 94% of the midwives are able to diagnose pregnancy and delivery risks in good time.

Use of the kits has been widely accepted by the midwives, even the indigenous ones.

The capacity of the centre to back up the implementation of this programme has been overwhelmed by the great demand generated in the regions and from international bodies such as Plan International and UNFPA.

Difficulties

The supply of "Clean delivery" kits is still entirely dependent on UNICEF donations.

Hygiene practices and clean delivery must be given emphasis in the training, for 30% of midwives do not use the kits or follow good practice in severing the umbilical cord.

- **The means used, particularly in relation to the areas of child health and nutrition, the advantages of breast‑feeding and the prevention of accidents;**

The Mother-and-Child-Friendly Hospital

725. This programme has inspired other projects which are being welcomed by health personnel and the community, such as the mother-and-child-friendly health posts and centres and the "Mother-and-child-friendly midwives" programme.

Specific objective

To establish a marketing code for mother's milk substitutes and to ensure application of Presidential Decree No. 16525/93.

Results

The first national workshop on monitoring the international code for marketing of breast-milk substitutes was held in February 1995 in conjunction with PAHO, WHO, the International Baby Food Action Network (IBFAN) and UNICEF. Regrettably, the recommendations of this workshop have not so far been put into practice owing to the failure to form a technical team to coordinate the measures with the municipal authorities and other governmental bodies or to secure the ratification of the Paraguayan legislation and the subsequent enforcement of the code.

Achievements

After great effort COFOLAM (Maternal breastfeeding) produced draft national legislation on the implementation and monitoring of the code, which was brought before the Parliament in 1996.

The public hospitals and maternity units taking part in the project have eliminated from routine use dummies, feeding bottles and baby-food formulas.

The free distribution of breast-milk substitutes and samples to health personnel and mothers in the hospitals taking part in the project was ended.

In 1994 the social security system, in support of the project, terminated the provision of baby food (12 half-kilo boxes were supplied for each new-born baby).

Difficulties

The application of the international code for marketing of breast-milk substitutes proved a stumbling block owing to the lack of specialized personnel.

The draft legislation submitted to Parliament was studied in 1996 but the process was abandoned for lack of follow-up and specific legislative support.

There have been coordination problems with the Municipality of Asunción and other towns in the effort to prevent infractions of the code.

Specific objective

To establish breastfeeding support groups in all the services taking part in the programme.

Results

All the participating hospitals made an effort to establish some means (not exactly support groups) of helping mothers during the immediately post-delivery period, such as individual assistance in the hospital, advice on how to treat the baby, telephone consultation lines, and groups of professionals in the hospital available to deal with any difficulty arising during the breastfeeding period.

Educational talks to encourage breastfeeding were made a standard feature in the waiting rooms of outpatients departments and in the post-delivery rooms, and individual assistance was provided on the wards for new mothers by health personnel (doctors and more particularly nurses).

Achievements

All the participating hospitals devised various methods for carrying out the project. The formation of a hospital support group made up of trained personnel, mainly health professionals who were also mothers and had successful experience of breastfeeding, were one of the means of in-hospital support.

Difficulties

The formation of breastfeeding support groups as originally conceived was the most difficult task to accomplish owing to the characteristics of Paraguay's people.

There was insufficient promotional work among the community at large, with the result that exclusive resort to breastfeeding was rare once the mothers left hospital.

There was little support from extension workers in this matter.

Specific objective

To carry out an education and communication strategy to promote the concept of exclusive breastfeeding up to six months and supplementary breastfeeding up to two years among mothers and health professionals.

Results

No specific education and communication strategy was carried out. The work was mostly done by the persons who have most influence on mothers - doctors and other health professionals.

The concept of exclusive breastfeeding up to six months and supplementary breastfeeding up to two years was promoted on all the training courses for the implementation of the project. However, it remained very difficult to eradicate the tendency to introduce other foods in children's diet at an early stage, especially among the professionals who had not yet been trained. This situation led to the introduction of the project "Mother-and-child-friendly health centres and posts" to extend the training to health professionals not working in hospitals and help to meet the demand at the primary and secondary levels.

The introduction of the topic of breastfeeding in the curricula of pre- and post-graduate courses proved very effective for doctors and other health personnel: it improved their awareness of the advantages of breastfeeding and offered a scientific justification for not introducing other foods before the sixth month.

Achievements

There was considerable progress in the production of educational materials on breastfeeding for mothers and health personnel. UNICEF assistance contributed to the production of materials such as posters, leaflets, sets of slides and audiovisual training kits to promote breastfeeding in the health services and in the community.

Difficulties

Scant use was made of the mass media (television and radio) because of their high cost.

General objective

Aim of the project is to contribute to the attainment of the global target proposed in the PNAI: reduction by 50% of the rates of serious and moderate malnutrition among under-fives.

726. The project's general target, set for 1999, is very ambitious in view of the many different causes of malnutrition and should be reformulated to take into account the fact that the monitoring of growth and development is only one component of nutritional monitoring and care in the family and that there are several other components which have an effect on nutrition but are not addressed in the project.

727. The UNICEF cooperation operates at two levels:

(i) Institutional: the support was limited over the first two years but was given a boost in 1997 by training personnel to monitor growth and development in two health regions. Support is also being given to the implementation of the strategy of integrated treatment of common childhood diseases in Caazapá region as a model to be copied later in other regions. On the other hand, the introduction of an integrated approach using the computerized information system for children (SIN) initiated another model of standard treatment in six regions. Under both models materials for training, record cards and booklets and auxiliary materials were acquired from the Latin American Centre for Perinatology and Human Development.

(ii) Grass-roots: the preference was to work with ENPAS on the implementation of a model based on grass-roots participation through the network of health workers and extension workers of Pastoral Social under a project entitled "Care of the child", which reaches out to families by means of basic health, nutrition and education activities, periodically checking on pregnant women and monitoring the growth and development of under-sixes. Special attention has been given to children aged under two years in order to enhance their human potential and prevent them from being forced out onto the street by extreme poverty and social exclusion.

Specific objective

To establish the programme for monitoring children's growth and development at the national level on the basis of the existing health services and grass-roots participation.

Results

Integrated work by the health institutions has been slow owing to a number of factors connected with uncertainties in the legislation and poor managerial capacity. Nevertheless, useful ad hoc measures were carried out in some regions (Cordillera, Amambay, Paraguarí). At long last and after several technical-analysis meetings it was agreed that this programme should be incorporated in the standard procedure for examination of children and that specific medical interviews for this purpose should not be recommended.

Training was initiated in 1997 on the strategy of integrated treatment of common childhood diseases, the fulcrum of which is the monitoring of growth and development; training was given on the SIN model of standard treatment.

Technical and logistical support was given to the production of teaching and record-keeping materials (record cards, booklets) for the implementation of the programme.

Achievements

Agreement was reached on the booklet to be used, on the standards and on the training-support materials, which now will be used to get the programme moving.

At the request of PAHO/WHO, a technical team was formed from representatives of the scientific and academic worlds and operational personnel to strengthen the execution of the programme, in which UNICEF is an active participant.

Difficulties

The monitoring programme has not been incorporated in standard child-care practice and little use has been made of it, especially by doctors.

One of the main problems is the faulty technical coordination between the programmes regulatory and operational levels.

- **The availability of safe sanitation**

728. Several important projects have been undertaken in this sector by the Sanitation Works Corporation (CORPOSANA) and the National Environmental Health Service (SENASA) in order to

expand and improve the drinking water supply, sewage disposal and rainwater drainage both in the capital and in towns in the interior.

729. One of the targets for SENASA is to increase the coverage of the rural drinking water supply as a first stage to 30% of the population. Twenty% of the population has so far been reached.

730. The work of SENASA is described in tables 3.1 and 3.2.

731. In 1997 the SENASA programme of action for the expansion of the drinking water network, to be implemented under the IBRD II project, consisted of three stages:

> Stage 1: 24 areas with 25,000 inhabitants; works to start in February 1997 and end in July 1997; currently in execution.
>
> Stage 2: 22 areas with 15,000 inhabitants; works to be carried out between May and October 1997; construction work currently under negotiation.
>
> Stage 3: construction work funded by the Japanese Government in 21 areas with 6,000 inhabitants; works to be carried out between July and December 1997; construction work currently under negotiation.

732. Another project is to be implemented between July and November 1997 with funding from the Financial Fund for the Development of the Plate Basin (FONPLATA). It is at the public bidding stage.

733. Attention must be drawn to the foreign aid furnished to improve the social, economic and environmental conditions in human settlements and the living and work environments of all the people by means of planning and management activities in several areas such as water supply and sanitation services and by upgrading the technical and administrative capacities of small businesses. The following projects with non-reimbursable funding may be cited:

Project: Drilling of wells in rural areas
Amount: $6,059,300
Funding: Japan

Project: Electricity and electronics centre
Amount: $2.5 million
Funding: Japan

Project: Drinking water supply for indigenous groups in the Chaco (Boquerón Department)
Amount: $42,000
Funding: Japan

Project: Study and exploitation of groundwater resources
Amount: $4,674,282
Funding: Germany

Project: Promotion of small and medium-sized industrial enterprises
Amount: $3,527,760
Funding: Germany

Project: Water supply for rural settlements

Amount: $175,651
Funding: Spain

Project: Development of micro-enterprises
Amount: $2.5 million
Funding: IDB

Project: Participation of women in development
Amount: $1.37 million
Funding: IDB

- **The measures adopted to increase food production to ensure household food security**

Specific objective

734. The specific objective is to carry out an education and communication strategy based on the content of "Para la Vida", which will promote in the family and the community sound practices with respect to the safety of food prepared in the home.

Results

The "Pastoral care of the child" project was initiated in 1995 on the model of Brazil's "Pastoral Da Criança". Without loss of institutional coordination, emphasis has been given to the work at the grass-roots level by training 2,800 community leaders, 100 local coordinators, and 475 traditional midwives, who every month reach 10,000 families, 60,000 children aged under six and 2,600 pregnant women in rural communities and the peripheral urban areas of 100 parishes (40% of districts).

The growth and development of 60,000 children have been improved by enhancing the status of breastfeeding and the traditional diet and by including soya, as well as by teaching simple activities such as early stimulation and by involving women closely in the process of disease prevention and permanent monitoring of children's nutritional state in order to detect problems early and ensure timely intervention.

A system has been devised for periodic checking on the work of the leaders and coordinators, together with means of supervision involving systematic periodic feedback.

Achievements

Every month 60,000 under-sixes are monitored by having their weight checked, and their mothers are instructed in disease prevention, diet and early stimulation.

The project is consolidating a system for the registration of each child and recording of his personal details, monthly weight, immunizations, breastfeeding, weaning and diet, as well as episodes of diarrhoea, acute respiratory infection or other disorders.

The concept of joint responsibility for the care and development of children and the importance of their early registration have been promoted in the family.

Husbands have been incorporated in the process of monitoring their wives' pregnancies and their children's growth and development.

Families have been motivated and mobilized to organize themselves by creating a space for analysing their problems and seeking alternative ways of meeting their needs.

Coordination between the project and the Health Ministry has been strengthened through the planning and execution of joint activities.

A programme for the provision of a glass of soya milk with tortillas has been carried out in 105 schools (Mitã Róga).

The project has secured support at higher levels of the Catholic Church and from other Church bodies and has established a national team of coordinators as well as 11 diocesan and 90 parochial teams.

Difficulties

The project's coverage is still low, and the coordination of the regional and district levels needs improving.

One of the main problems is that from the logistical standpoint the pastoral care project is almost entirely dependent on external assistance, although an effort is now being made to secure other sources of funding.

There is still little grass-roots awareness of the rights of the child.

735. The social projects include a programme on women's participation in development, operated under the auspices of the First Lady. Finance has been provided for 20 production projects with a total of 1,098 direct beneficiaries. The executed projects included activities such as milk production, production of cassava starch, pig-raising, flour-milling, retail stores, etc.

- **The measures adopted to improve the system of education and training of health personnel**

736. Each of the projects described above includes modules on the training of health personnel and heads of families.

737. A recent study on human resources in health (PAHO/WHO, 1997) shows that although the first efforts to secure decentralization are indeed being made, in the health regions in the interior more personnel are assigned at the level of qualified health worker, auxiliary and practical helper, while the doctors, dentists and other specialized staff are concentrated in the sixteenth health region (Asunción) and in the specialized hospitals, corresponding to the third and fourth levels of care. In fact, whereas the various health regions (i.e. health centres and posts) have 47% of the staff qualified in nursing or obstetrics and 69.5% of auxiliary staff, the specialized hospitals have 55% of the doctors, 60% of the biochemists and 25% of the dentists. The small number of dentists in the hospitals does not mean that they are to be found in the interior of the country, for a further 32.5% are working in health centres and posts in the capital region. In any event, dentistry is one of the specialities exhibiting a greater degree of decentralization.

738. The National Health Institute did useful work in the training of technical health personnel. Training was given to 994 technical staff in health education, nursing and midwifery and in laboratory and pharmacy work. Training courses were held for specialists in public health (currently 17 graduates and 30 students) and hospital administration (35 students). The Institute also offered post-graduate

courses. Training was given in 1996 to 21 professionals in administrative management and health services.

  - **Disaggregated data, including by age, gender, region, rural/urban area, social and ethnic origin.**

- **To develop preventive health care, guidance for parents and family planning education and services; in this regard, reports should also provide information on:**

  - **The policies and programmes developed, as well as services available;**

739. Programmes on the protection and promotion of human health are being carried out in order to cater to primary health needs, combat transmissible diseases, tackle health problems in urban and rural zones, reduce the health risks resulting from environmental pollution, and protect vulnerable groups such as nursing mothers and other women, indigenous peoples and the poorest members of the population.

740. The Government is also establishing basic health infrastructures, giving particular attention to water supply and sanitation services and carrying out education programmes on disease prevention and treatment.

741. The following current projects are receiving international technical assistance:

Project: Well drilling in rural areas
Amount: $6,059,300
Funding: Japan

Project: Primary health care in rural areas
Amount: $3 million dollars
Funding: Japan

Project: Donation of a mobile surgical/ophthalmology unit (Eye Bank Foundation)
Amount: $100,000
Funding: Japan

Project: Equipment of doctor's consulting room in Fernando de la Mora (Federation of Japanese Retirees Clubs of Paraguay)
Amount: $87,000
Funding: Japan

Project: Drinking water supply for indigenous groups in the Chaco (Boquerón Department)
Amount: $42,000
Funding: Japan

Project: Upgrading of airconditioning system in the Clinical Hospital of the Medical Faculty, Asunción National University
Amount: $32,000
Funding: Japan

Project: Study and exploitation of groundwater resources
Amount: $4,674,282
Funding: Germany

Project: Education for health and improved learning
Amount: $400,000
Funding: Spain

Project: Environmental health: water supply for rural settlements
Amount: $175,651
Funding: Spain

Project: Assistance, support and awareness-raising for women
Amount: $50,792
Funding: Spain

Project: Water and sanitation regulatory framework
Amount: $980,000
Funding: IDB

Project: Donation of 20 ambulances
Amount: $550,000
Funding: China

Project: Essential medicines

General objective

To improve access to and availability of essential medicines in order to facilitate the treatment of the main causes of maternal and child morbidity.

Specific objective

To implement the Bamako Initiative in the health services and at the grass-roots in five health districts (Concepción, San Pedro, Amambay, Alto Paraná and Canindeyú) by establishing jointly managed pharmacies and first-aid kits using revolving funds.

Results

Despite the efforts made to get all the components of this project established, it has not been well received, especially by the health institutions, owing to many different factors discussed below under "Difficulties".

An alternative approach at the grass-roots level was to work through the project "Pastoral care of the child". UNICEF supplied essential medicines for 40 community first-aid kits in 1995. These kits are held by voluntary extension workers and supervised by the parish coordinators of Pastoral Social. The project uses revolving funds and has produced very good results. Seed funds were used to purchase items for restocking the kits from the local pharmaceutical industry.

Ninety-seven new people's pharmacies have so far been established; they are run by grass-roots organizations. In all, 432 such pharmacies are in operation. The project has thus succeeded not only in tackling the needs of the most deprived groups and regions but also in encouraging grass-roots participation.

Achievements

The project is small in scale and has operated at the local level under constant monitoring and supervision by the parish officials of Pastoral Social.

The service provided is limited but highly valued, especially by a dispersed rural population which has few economic resources.

Difficulties

There have been many institutional difficulties. There is open resistance by the health professionals in the services, who in many cases are owners or co-owners of private pharmacies in the vicinity of the health facilities; the Health Code, which regulates pharmacies, has no provisions on this point.

For the reasons mentioned above, the establishment of people's pharmacies offering low-cost medicines is being impeded by private interests.

The joint management of revolving funds with the community has not been a success owing to obstacles created by health service officials in particular.

A paternalistic system for the provision of medical care, with free distribution of medicines, is very deeply rooted; it is reactivated periodically during the electoral campaigns of the various political parties.

The Association of Pharmacy Owners regards the people's pharmacies as illegal.

742. The National Medical and Pre-hospital Emergency Service has done outstanding work country-wide; it is a familiar presence at mass events of various kinds, as well as providing preventive health cover for national and foreign authorities. Over the past year it acquired 33 new emergency ambulance units to ease the deficit in this sphere of assistance to the public. There were 23 ambulances in 1993 but today 154 mobile units are providing emergency services for the people.

- **The population covered, including in rural and urban areas, by age, gender, social and ethnic origin;**

743. The provision of health care is a responsibility of the public sector for 73% of the (poor) population; 17% is covered by social security (the Social Insurance Institute (IPS) and three public-sector funds), and 10% relies on private prepaid medical services. Services are provided to the public by the Red Cross and some other NGOs and by the churches (the Catholic Church's Pastoral Social, the Church of Disciples of Christ). Health activities are also carried at the grass-roots by a number of more representative social organizations (rural organizations), usually in conjunction with NGOs or the churches, although it is a fact that social/community health organizations are less commonly found in Paraguay.

744. In terms of the various subsectors of the National Health System, the Health Ministry provides 60% of the services and IPS 9%, while 6% is delivered by the health services of the armed forces and the National Police, the Clinical Hospital, the Red Cross and the Catholic University; private services account for the remaining 25%. The most diversified subsector in terms of level of care is the Health Ministry, which has 17 specialized hospitals, 15 regional hospitals, 124 health centres, and 552 health posts. The other subsectors each have at least one general hospital, and the private subsector has 30 hospitals (the largest number at this level of complexity). Primary care services are also provided by

IPS and the health services of the armed forces and the National Police. The 96 sanatoriums and 171 clinics in the private sector cannot be regarded as providing primary care although many of them, especially on the periphery of the capital, do offer this type of service.

745. One indicator of the available infrastructure is the existence of an average of 16.7 beds for every 10,000 inhabitants, 7.9 of them provided by the Health Ministry and 108 located in facilities in the capital region (see table 48). In all subsectors the greatest concentration of hospital beds is found in the capital, but the Ministry has the smallest proportion (22% of the beds) since it shares the Asunción cover with the Central Department health region (18.8% of the beds). The distribution in the interior health regions varies from one subsector to another and there is no clear pattern, although the distribution manifestly does not depend on population density, for the health regions with the most beds are not the most densely populated. Perhaps the most striking example of this situation is provided by the Chaco or western region of the country, which has the highest bed/inhabitants ratio owing to the influence of the private sector (in the Mennonite settlements) and the military health services. Other departments with high ratios are Neembucú (19.5/10,000) and Concepción (17.5/10,000). The private subsector has the best ratio of beds to geographical distribution of the population.

. **The measures adopted to prevent early pregnancy and to take into consideration the specific situation of adolescents, including provision of appropriate information and counselling;**

746. These measures consist of a number of ongoing programmes and projects. Some of them enjoy international technical assistance:

The Health Ministry's project "Integrated adolescent health and reproductive health", which has a total cost of $3 million and technical support from Germany. It includes the following activities:

i) Training of trainers of health personnel, teachers of the Ministry of Education and Worship, and technical staff of the Directorate for Agricultural Extension and NGOs;

ii) Production of bilingual audiovisual materials, short radio programmes, and printed materials.

The project "Education for health and improved learning" of the Jasmin Foundation (Office of the First Lady), which has a budget of $400,000 and is aimed at 25,000 children and young people aged six to 13 years. The purpose is to help to instil healthy habits and establish measures of prevention in the school and the family.

The project "Reproductive health and family planning", which has technical support from UNFPA.

The project "Rural women, gender, development and reproductive health", which has support from UNIFEM.

- **The role played by the education system in this regard, including in the school curricula**

747. Where health education is concerned, from the sixth grade the school curricula cover all aspects of sex education, with guidance given on ways to avoid early pregnancy and on contraceptive methods and sexual diseases. In addition, the National Anti-AIDS Programme gives talks on AIDS and AIDS-avoidance in public and private schools, at which contraceptives are distributed free of charge.

- **Disaggregated data on the incidence of children's pregnancy, including by age, region, rural/urban area, and social and ethnic origin.**

748. The incidence of pregnancy among women aged 15 to 19 is as follows:

Age	Total	Urban	Rural
15	14.30	11.08	18.10
16	43.29	30.70	59.20
17	82.33	60.24	110.94
18	130.23	94.95	174.27
19	167.53	131.48	216.36

Source: Brizuela, 1996, p. 125. Contribution to total fertility = 10.5%.

Only 39% of sexually active unmarried adolescent females (15-19 age group) females protect themselves effectively against unwanted pregnancies and only 14% protect themselves against AIDS and other sexually transmitted diseases.

Source: National Demography and Reproductive Health Survey (ENDSR 95/96).

96. Please indicate the prevalence of HIV/AIDS and the measures adopted to promote health information and education on HIV/AIDS among the general population, special groups at high risk and children, as well as:

- **The programmes and strategies developed to prevent HIV;**

- **The measures adopted to assess the occurrence of HIV infection and AIDS, among both the general population and children, and its incidence inter alia by age, gender, rural/urban area**

749. Ever since its inception the National Anti-AIDS Programme has included a component on education and social communication implemented in conjunction with the Health Ministry's Directorate-General for the Promotion of Health Education and Disease Prevention. This component is considered of vital importance as it provides education on AIDS-prevention measures for the various population groups, seeking to raise awareness as well as delivering basic information about HIV/AIDS. The following are this component's main activities:

Interviews with individuals to give information about HIV/AIDS;

Educational talks on HIV-prevention for secondary and university students in urban and rural areas, as well as for groups such as firefighters, the army, political parties and several other organizations and bodies (Rotary Club, social clubs, etc);

Educational meetings with leaders of social and youth organizations, etc.:

Education sessions for young people, heads of families, teachers, youth leaders, health professionals, etc.;

HIV/AIDS conferences at universities, barracks, hospitals, health centres, schools, etc.;

HIV/AIDS seminars for public and private health professionals;

Dissemination of educational information through the mass media (press, radio, television);

Design, printing and distribution of educational materials such as posters, leaflets, booklets, diaries, advertising spots, etc.;

Free distribution of condoms to the general public.

750. There is also a project entitled "Preventing AIDS in schools", which involves 20 institutions in its first stage and provides training for teachers and parents and for children aged nine to 12, using a handbook throughout the school year to teach integrated child health, especially safe sex, prevention of infection, and the right of infected children to continue their schooling and to develop as persons.

751. This project has received logistical support from UNAIDS, which consists of UNICEF, UNDP, UNFPA, UNESCO, PAHO/WHO and the World Bank. As a counterpart, the Health Ministry's National Anti-AIDS Programme supplied technical staff trained in this subject to organize, execute and evaluate the project, as well as providing financial support for the reprinting of materials for teachers, parents and children.

752. The point is to demonstrate that this handbook constitutes a support for the Education Ministry, whose curricula include STD/AIDS topics.

753. Although the Ministry has agreed to introduce the handbook in the curricula, national implementation is encountering logistical difficulties.

754. Informal training was provided for extension workers and leaders for children working in the street, but the problem at the moment is lack of funds for monitoring work.

- **The measures adopted to ensure an effective protection and assistance to children who are orphans as a result of AIDS**

755. Epidemiological monitoring was used to determine the characteristics of HIV/AIDS infection both among the general public and among children; an HIV/AIDS notification form lists a number of variables which will be incorporated in the general data: category of transmission; current state of infection; and information about common diseases in the group to which the informant belongs. This information was entered in the database created for this purpose, but a number of problems arose, especially with the old forms (the methodology was designed in 1997), for some of the data was hard to recover. At the same time "monitoring and vigilance" workshops were held in Asunción and Ciudad del Este, now with experienced staff. Another method was to conduct "monitoring and vigilance" activities with groups of pregnant women in locations in the capital and the interior; the related data is still being processed and analyzed.

756. Where epidemiological analysis is concerned, it must be stressed that the emergence of AIDS cases among women in 1990 was followed by cases of infected children; between 1993 and the present there has been a total of 14 cases among children, mostly aged under one year (43%) and under-fives (78.6%), indicating that over three quarters of cases fall in this (preschool) age group; most of the

victims were boys (57.1%) and the disease was usually transmitted in the perinatal period (64.3%). Fifty% of these cases ended in death, mostly of children aged under one year.

757. No measures have been taken to ensure effective protection or care for children orphaned by AIDS.

- **The campaigns, programmes, strategies and other relevant measures adopted to prevent and combat discriminatory attitudes against children infected by HIV or with AIDS, or whose parents or family members have been infected**

758. The campaigns and programmes to prevent and combat discrimination include the project "Preventing AIDS in schools", which deals with questions connected with the right of infected children to be treated without discrimination and also addresses children whose family members are infected; it is made clear that sexual relations are the only means of infection in order to prevent other children from fearing an infected child and adopting discriminatory attitudes towards him.

97. Please provide information on the measures adopted pursuant to article 24, paragraph 3, with a view to abolishing all traditional practices prejudicial to the health of children, particularly girls, or otherwise contrary to the principles and provisions of the Convention, (for example, genital mutilation and forced marriage). Reports should also indicate any assessment made of traditional practices persisting in society that are prejudicial to children's rights.

759. Most of the traditional practices prejudicial to children are found in rural areas, where a child's own parents, if he falls ill, turn first not to the health centre but rather to a traditional healer or some other person supposed to have healing powers exercised through the administration of herbal infusions or recital of magic spells. In most cases this makes things worse and sometimes causes death: the patient is usually brought to the health centre in such a state that nothing can be done for him.

760. In order to eradicate such practices the health centres in the interior carry out public awareness campaigns, preaching the important principle that prevention is better than cure; this work is done by community leaders and health professionals in the form of discussion meetings in the villages. The difficulty confronting these measures is that some villages are very remote from a health centre, a factor which encourages these practices, with the result that people put their children's lives at risk out of ignorance.

761. The lack of resources also works against the implementation of such campaigns and prevents them reaching places of difficult access.

762. It must however be stressed that Paraguay has never recorded any cases of genital mutilation or forced marriage.

98. Information should also be provided on the measures adopted pursuant to article 24, paragraph 4, to promote and encourage international cooperation with a view to achieving progressively the full realization of the right recognized in this article, and the particular consideration given to the needs of developing countries. Reports should inter alia indicate the activities and programmes developed in the framework of international cooperation, including at the bilateral and regional levels, the areas addressed, the target groups identified, the financial assistance provided and/or received and the priorities considered, as well as any evaluation made of the progress achieved and of the difficulties encountered. Mention should be made, whenever appropriate, of the involvement of United Nations organs and specialized agencies and non-governmental organizations.

763. Matters of international cooperation, in all spheres, have been dealt with under guideline 21.

C. Social security and child care services and facilities (articles. 26 and 18, para. 3)

99. With respect to article 26, please provide information on:

- **The measures adopted to recognize for every child the right to benefit from social security, including social insurance;**
- **The necessary measures taken to achieve the full realization of this right in accordance with the national law;**
- **The manner in which the benefits granted take into account the resources and the circumstances of the child and of the persons having responsibility for his or her maintenance, as well as any other considerations relevant to an application for benefits made by or on behalf of the child.**

764. The existing legislative measure for safeguarding these rights is the Labour Code, which has a whole chapter on social security. Article 381 of the Code states:

> "By means of its own contributions and contributions from employers and workers the State shall protect workers through a social security scheme against risks of a general nature and in particular against risks arising from work".

765. Social security for workers and their dependants is called in Paraguayan law "social insurance" (previsión social), which is understood to be "the group of institutions established by social security for the benefit of workers in an employment relationship and their family members in order to provide protection against and compensation for the contingencies or needs of a natural, occupational or social nature which may affect the beneficiaries and may deprive them partially or totally of their capacity to work or of a sufficient income or level of well-being, this by means of the various benefits provided for by law".

766. Article 182 of Act No. 903/81 (the Juvenile Code), which deals with child workers, states: "All employers of waged workers or minor apprentices shall be obliged to keep a book containing the following information on each of them: their personal details, including their social security registration number".

767. Article 107 of the draft Children's Code states: "Adolescent workers shall be entitled to payment and to the social benefits and other advantages which the law accords to workers after the age of majority on a footing of equality".

768. "Employers shall also be obliged to enrol adolescent workers in their employ in the social security system in accordance with the laws governing this matter". The same right is accorded to family workers, i. e. persons working in their family without pay, and to own-account child workers.

769. Also relevant in practice are the medical insurance and family allowances for State employees, which have been included since 1997 in the general national budget following the promulgation of Decree No. 16687/97 regulating Act No. 1019, "which approves the programmes of the general national budget for the 1997 fiscal year and the rules established in article 30 of Decree No.16121 regarding medical benefits".

770. This system benefits children indirectly through their working parents and directly in the case of working children, who in turn bring benefit to their families. It operates through an agreement between the State and the private medical insurance schemes which employees may decide to join under which the State contributes about $30 for each insured person.

100. Reports should also indicate the legal provisions relevant to the implementation of this right, the circumstances under which children themselves are allowed to apply for social security measures, either directly or through a representative, the criteria taken into account to grant the benefits, as well as any relevant disaggregated information concerning the coverage and financial implications of such measures, its incidence by age, gender, number of children per family, civil status of the parents, the situation of single parents, and the relationship of social security to unemployment.

771. This question has been answered under the preceding point. There is no discrimination in the granting of social security to single parents.

772. When a worker loses his job he automatically loses his social security cover. As already mentioned, a father or mother receives a family supplement for every child aged under 18 years. This supplement, which amounts to 5% of the minimum wage in respect of each legally recognized child, must be paid in full at the same time as the monthly wages.

773. If the parents are divorced or separated, the one having the child in his or her custody receives the family supplement.

101. Please indicate the measures adopted pursuant to article 18, paragraph 3, and taking into account the provisions of articles 3, 6 and 12 of the Convention, to ensure that children of working parents have the right to benefit from child's care services and facilities for which they are eligible. In this regard, reports should inter alia provide information on the legislation adopted to recognize this right and ensure its realization, as well as on the coverage with regard to services and facilities, by region and by urban and rural areas, as well as on their financial implications and on the children benefiting from such measures, including by age, gender and national, social and ethnic origin.

774. Most of the child care institutions serve working mothers. It is also part of their objective that the children should be indirect beneficiaries, and this has an influence on their internal organization. There is very little specialization by age of child; the fact that the services are provided for age groups ranging from 40 days to five years means that the staff should be diversified, but this is very rarely the case. And even those institutions which offer a special sub-group for four- and five-year-olds do not have any of the formal preschool education programmes stipulated by the Education Reform. Depending on the resources available in each case, these institutions can be placed in three main groups; State, municipal and church, and business.

775. The concept of "child care" is what characterizes most of these institutions; the services are provided in enterprises pursuant to article 134 of the Labour Code for children aged up to two years, although some trade unions have secured a wage supplement to meet the cost of care for children aged two to five years.

776. The social welfare services have established 26 community child care facilities in collaboration with local residents in order to support working mothers and attend to the children's mental and social development. Today there is a total of 86 such facilities, catering for 6,250 children. The cover must

undoubtedly be expanded even further in this area; this will be achieved gradually by the Secretariat for Social Action and grass-roots organizations.

777. The information given above was taken from the 1997 report of the Technical Planning Secretariat and the annual report of the Executive.

102. Reports should also provide information on the progress achieved in the implementation of these rights, the difficulties encountered and any targets identified for the future.

778. As of now there has been an increase in the number of private businesses and public institutions which provide for the full realization of the rights of workers, be they children or adults, relating to the provision of child care services, social security, social benefits such as Christmas bonuses and holidays, and payment for overtime and night work. However, reports are still received of disregard of workers' rights, in the case of public transport workers for example.

D. Standard of living
(article 27, paras. 1-3)

103. Please provide information on:

- **The measures adopted to recognize and ensure the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development**

779. The following legislative measures have been adopted.

780. Article 54 of the Constitution states:

> "The family, society and the State have an obligation to ensure children's harmonious and comprehensive development and the full exercise of their rights, protecting them against neglect, malnutrition, violence, abuse, trafficking and exploitation. Anyone may require the competent authority to enforce these guarantees and punish violators. In the event of a conflict, the rights of the child shall prevail".

781. Article 8 of the Juvenile Code states:

> "Every child shall have the following rights:
>
> (a) To enjoy antenatal protection and to be born in suitable conditions duly attended by health personnel;
>
> (b) To receive health care and the necessary medical attention;
>
> (c) To receive maintenance, education, shelter and clothing consistent with the child's age and sex;
>
> (d) To receive humane treatment from his parents, guardians or foster parents;
>
> (e) To enjoy family life in the home, provided that the home does not constitute a physical or moral danger;
>
> (f) If he is orphaned or abandoned, to enjoy family life in a suitable home or institution;

(g) To have responsible parents, to know them and be recognized by them;

(h) To receive treatment and attention consistent with his aptitudes and physical and mental capacities;

(i) To receive rehabilitation treatment if he suffers from a physical or mental defect;

(j) to inherit from his parents."

This list does not imply denial or limitation of other rights inherent in the person of the child.

782. Article 2 of the draft Children's Code (currently under examination in the National Congress) states:

> "Children and adolescents are subjects of rights. The Paraguayan State guarantees the full enjoyment of the rights inherent in the human person and of those rights connected with his development envisaged in the National Constitution, the Convention on the Rights of the Child and the other international human rights instruments ratified by Paraguay".

Article 6 states:

> "It is a duty of the family, the community, society at large and the State to accord to children and adolescents, as an absolute priority, the exercise of and respect for their rights to life, health, identity and nationality, food, shelter, education and cultural training, dignity, respect, freedom, leisure, protection at work, rest and family and community life.
>
> The State shall carry out through its competent organs plans and programmes to support children and adolescents and their families in order to ensure the effective realization of these rights".

Article 7 states:

> "It is a duty of the family, the community, society at large and the State to protect children and adolescents by safeguarding them against any physical, social or psychological risk arising from the omission or commission of an act, discrimination, exploitation, violence, cruelty, oppression or aggression.
>
> Anyone may require the competent authority to enforce these guarantees and punish violators".

Article 11 states:

> "Children and adolescents have a fundamental right to life. It is an obligation of the State to guarantee their survival, safety and development. Children and adolescents have a right to protection and care".

- **The relevant indicators used to assess such an adequate standard of living, and its incidence among the child population, including by gender, age, region, rural/urban area, social and ethnic origin, and family situation**

783. When account is taken of the poverty which has such a serious impact on Paraguay's ability to deliver the social rights of children in full, it becomes clear that an enormous effort of economic growth must be made. There are several indicators of this situation: the findings of the 1994 national household survey, the latest available, and the updated figures for 1996 and 1997 show a very high rate of income

concentration, especially in urban areas (0.85) and a big gap between the families with highest incomes (the richest 7.7% of families have 75.7% of total income) and the poorest families (19.6% have 4.9% of total income). It can be deduced from this same study that Paraguay has an extensive middle stratum (72.7% of households) with very low incomes (19.4% of total income).

784. Concentration is the main income problem in Paraguay (the richest 10% of households have 42% of total income) and it is more pronounced in urban areas (50% of population and 75% of incomes) than in rural areas (50% and 25%). There are differences within the urban group, with a greater concentration of incomes in the metropolitan area, which has 29.8% of the population and 50% of total income. The units (households or individuals) below the theoretical food-needs line are classified as "indigent", while those able to satisfy their food needs but not the other needs regarded as basic are classified as "poor" or "basic-poverty". This latter category ranges from 62 to 42% nationwide, 48 to 23% in urban areas, and 79 to 69% in rural areas.

785. In terms of area of residence, the failure to satisfy at least one basic need increases with distance from the capital. Here it must be pointed out that, according to this indicator, the differences between Asunción and any other point in the urban Central Department or the interior towns are bigger than the differences between them and rural areas. The gap between Asunción and rural areas is twice as big when measured by unsatisfied basic needs of either households or individuals.

- **The criteria established to assess the ability and financial capacity of parents or others responsible for the child to secure the living conditions necessary for the child's development, as well as to identify those conditions;**

- **All the measures taken, in accordance with national conditions and within the State party's means, to assist parents and others responsible for the child to implement this right, including the nature of the assistance made available, its budget implications, its relation to the cost of living and its impact on the population; where relevant, the information provided should be disaggregated, inter alia by region, rural/urban area, age, gender and social and ethnic origin;**

- **The measures adopted to provide, in case of need, material assistance and support programmes, particularly with regard to nutrition, clothing and housing, indicating, inter alia, the nature of such assistance and programmes, the population addressed by them, including by gender, age, rural/urban area, social and ethnic origin, the proportion of budget allocated, the coverage ensured, the priorities and targets identified**

786. There are some indicators for evaluating the economic means of parents or other persons responsible for children. For example, according to data from the national population and housing census the number of households with unsatisfied basic needs between 1992 and 1996 tended downwards nationally and in urban areas with respect to the four indicators of poverty (quality of housing, health infrastructure, access to education, and subsistence capacity). Of these four indicators, health infrastructure showed an improvement, with the number of families lacking access declining by about 50%.

787. The indicator of lack of access to education improved least, from 14.7 to 13%.

788. The question of nutrition was discussed in paragraph 734.

789. With regard to clothing, following the El Niño phenomenon, which caused widespread flooding from mid-1997 to 1998 and left families totally deprived of their basic means of subsistence, a campaign involving public and private institutions and the Catholic Church itself collected food and clothing for distribution to the victims, which included indigenous groups in the Chaco.

790. In the case of the measures taken to help parents and other persons responsible for the care of children to deliver the right to a decent standard of living, an important role is played by the Secretariat for Social Action of the Office of the President, which was established on 8 June 1995 by Executive Decree No. 9235 with a view to improving the quality of life of the poor and vulnerable and catering to their basic needs by extending the cover of the social services. It is responsible for administering inter alia the programme "Integrated care for child street workers". The programme's projects are designed to meet the perceived needs of a beneficiary community or group. The implementation period is 1997-2000, and the funding (a total of $8 million) is provided under a non-reimbursable technical cooperation agreement between the Government and IDB.

791. The Programme has four main focuses:

Education: projects to promote school enrolment and regular attendance and to improve performance (for example, school-support meetings, coordination of schools);

Health: projects to improve health conditions, for example, by means of food supplements, primary health care, and preventive and environmental health education;

Work training: projects to meet the demand for training in specific subjects to help children and adults responsible for families to have a serious means of income generation (for example, production and income-generating projects);

Social services for families and communities: projects offering care and support services for families and/or groups of children (for example, responsible care of children while their parents are working, schools in marginal districts).

Some of the policies of the Education Reform also address cooperation with parents in order to give effect to these rights from the standpoint of education; participatory activities are carried on for pupils and parents in order to back up the children's formal training. One example is the National Non-School Initial Education Programme (for under fives), a measure which includes the following goals: (a) to teach parents about the early stimulation and training of their children in and outside the home; (b) to involve parents in their children's education from birth; (c) to strengthen family integration; (d) to make parents aware of the importance of their role as their children's first teachers; and (e) to deliver useful information on health, diet, and the improvement and preservation of the family social environment.

- **Relevant measures adopted as a follow-up to the Declaration and Plan of Action adopted by the United Nations Conference on Human Settlements (Habitat II).**

792. The Government has taken the following measures to follow up this Plan of Action.

Housing

793. One outstanding feature is the continuing implementation of the housing programme subsidized directly by IDB:

(a) In 1996 3,798 direct housing subsidy certificates were issued for the purchase, repair, extension or construction of housing; 2,147 of them were actually used;

(b) Rediscounting of the mortgages of final beneficiaries and construction companies for the provision of 2,364 units;

(c) Since the start of this programme in 1995, 15 projects for a total of 2,359 units have taken firm shape;

(d) The National Housing Bank and the enterprises of the Housing Savings and Loans System have agreed 6,000 mortgage loans for housing;

(e) Restructuring of the National Housing Council (CONAVI) to accommodate the introduction of a new operating modality with IDB;

(f) Provisional approval of private-investment housing projects involving 9,765 units with direct subsidy and 440 own-lot units with direct subsidy;

(g) Refinancing of loans for housing built by CONAVI in 1990-1995 in order to adjust the financial terms of the loans to the real capacity to pay of the final beneficiaries and reduce the arrears of payment in the loans portfolio;

(h) Signature of inter-institutional agreements for upgrading the quality of housing in rural settlements.

Rural settlements

794. The Government has made a big effort to establish mechanisms to provide every citizen with a dwelling of his own. It initiated the execution, for example, of a social programme which, in collaboration with the municipalities concerned, seeks to provide some solution for homeless peasants and the owners of the land. The first step was to draw up a list of the settlements to be assisted in accordance with an order of priority previously determined in collaboration with the people affected.

795. The Government's political commitment to tackling the enormous social problems under the Agrarian Reform between 1996 and 1997 can be seen from the subdivision of 159,851 hectares of land and allocation 8,184 plots, as well as from the establishment of 21 settlements in the eastern region comprising a total of 86,896 hectares distributed among 3,943 plots; 6,580 firm titles were issued to that number of families settled on 95,372 hectares; and 32 collective holdings were legally regularized (35,487 hectares for a total of 3,625 families). In addition, 168 kilometres of rural roads were built and basic assistance was provided for settling in: 723 million guaraníes in food rations, corrugated-iron sheets, farm tools, and equipment for rural schools; and 10 communal fields totalling 2,478 hectares were established.

796. Training was given in public agricultural and agro-mechanical schools to 1,804 students, 40% more than in the preceding year, while private agricultural schools trained 867 students in 1996, 133 of them women.

797. In the farm year 1996/97 180 students graduated from private and 314 from public farming schools.

Employment

798. The Government is formulating through the Youth Secretariat a programme of youth employment in marginal urban areas which takes into account the experiments carried out in some other South American countries; there is a possibility of obtaining the necessary funding from international aid agencies.

799. In order to promote the development of sources of jobs, the bases have been laid, in conjunction with the Department of Industry and Trade, for the establishment of an industrial development fund with a view to encouraging young people to take up the challenge of setting up industrial, trading and service enterprises.

800. Since training is a requirement for access to sources of income, the Youth Secretariat signed an agreement with the National Vocational Promotion Service to extend its cover to groups of young people throughout the country.

801. A selection committee was also set up in 1997 for the Programme of Economic Assistance for Young Students to address the needs of students who have the necessary academic merit but lack the funds to meet the full cost of their studies.

Environment

802. In order to tackle the problem of biological diversity the Government is taking measures to create greater environmental awareness and thereby secure a more rational use of natural resources.

803. Local authorities, including those of Asunción, Atyrá and Tobatí, are carrying out environmental preservation programmes with the active collaboration of children and young people: the commonest activities are street cleaning, beautification and decoration of squares and parks, tree planting, and erection of signposts.

804. Misiones Department has a youth programme for local outdoor cleaning work; it is producing very good results.

805. This information was taken from the list of social action projects contained in the annual report of the Executive for 1996/97.

806. The Education Reform has incorporated the subject of the environment in its curricula from the earliest stages of schooling in order to make children aware of the importance of preserving the environment. The instruction takes the form of games and other activities such as planting a tree and taking responsibility for looking after it, walks and trips to parks, learning to use refuse bins and separating refuse out into small bags to facilitate recycling, saving materials which be used for other purposes, etc.

104. Reports should also provide information on the progress achieved in the implementation of these rights, difficulties encountered and targets set for the future.

807. Progress has been made in the implementation of these rights in terms of measures of integrated instruction for children and parents, so that parents will help children to exercise their rights through institutions created recently in accordance with objectives set out in programmes and projects which are growing stronger year by year and are designed to meet the basic needs expressed by children and parents.

808. Such is the work of the Secretariat for Social Action the programmes of the Education Reform, the Youth Secretariat, and other agencies.

809. The biggest difficulty impeding the exercise of these rights is ignorance of the principles set out in the Convention on the Rights of the Child on the part of the beneficiaries themselves and of their families, teachers and communities. Greater publicity must be given to the Convention throughout the country and priority assistance must be furnished to the most needy groups such as indigenous peoples.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (articles 28, 29, 31)

A. Education, including vocational training and guidance (article 28)

105. Please indicate the measures adopted, including of a legislative, administrative and budgetary nature, to recognize and ensure the right of the child to education, and to achieve this right progressively and on the basis of equal opportunities.

810. The following are the measures adopted to guarantee children the right to education gradually and on the basis of equality.

811. Article 73 of chapter VII ("On education and culture") of the Constitution states:

> "Everyone has the right to comprehensive and continuous education given effect as a system and a process in the context of the culture of the community. Its purposes are the full development of the human personality and the promotion of freedom and peace, social justice, solidarity, cooperation and the integration of peoples, respect for human rights and democratic principles, the affirmation of commitment to the Fatherland and of cultural identity, intellectual, moral and civic training, and the elimination of discriminatory content from educational materials.
>
> The eradication of illiteracy and the provision of training for work are permanent objectives of the education system".

Article 74:

> "The right to learn and equality of opportunities in access to the benefits of humanistic culture, science and technology are guaranteed without any discrimination.
>
> The freedom to teach, with no more requirements than those of suitability and ethical integrity, and the rights to religious education and ideological pluralism are likewise guaranteed".

Article 75:

"Education is a responsibility of society which rests in particular with the family, the municipality and the State.

The State shall carry out programmes to provide food supplements and school materials for poor pupils".

Article 76:

"Basic education in school is compulsory. It shall be provided free of charge in the State schools.

> The State shall promote secondary, technical, agricultural, industrial, and higher and university education, as well scientific and technological research.
>
> The organization of the education system is an essential responsibility of the State exercised in conjunction with the various educational communities. This system shall cover the public and private sectors and school and out-of-school activities".

Article 77:

> "In the early stages of schooling the teaching shall be in the pupils' official mother tongue. Pupils shall also be instructed in the knowledge and use of the two official languages of the Republic.
>
> In the case of ethnic minorities whose mother tongue is not Guaraní, either of the two official languages may be chosen".

Article 85:

> "The resources allocated to education in the general national budget shall not be less than 20% of the total amount allocated to the central administration, excluding loans and grants".

812. The Government assumed its commitment in the Strategic Social Development Plan, which includes among its main areas of action the provision of social services to boost the production capacity of individuals and satisfy the set of most basic needs, including education. This work is led by the Secretariat for Social Action, which administers a social investment fund established as a loan by IDB and seeks eventually to become an agency for coordination of social questions in the public sector.

813. The Education Reform is one of the main focuses of public-sector social policy; it has so far been implemented as far as the sixth grade of primary, for the process is a gradual one; the intention is to extend the reforms to the first three years of secondary, which currently form part of basic education. The Reform implies the establishment of the concept of comprehensiveness within the culture of the community, the strengthening of pre-primary education, the elimination of illiteracy, training for work, non-discrimination in education (especially against peasants, indigenous groups and women), respect for ideological and cultural pluralism, and nine years of compulsory free basic education (instead of six years); it also provides for bilingual teaching in Guaraní and Spanish and makes teaching in the pupils' mother tongue compulsory. This policy is incorporated both in the series of national targets for upgrading the country's human resources and in the objectives of the democratization process.

814. During the year following this report the Reform was to be implemented up to the seventh grade, but there will a shortfall of 7,000 classrooms, a further burdensome item in the list of problems which the Government must solve.

106. In this regard, reports should indicate, inter alia:

- **The measures adopted to ensure respect for the general principles of the Convention, namely the best interests of the child, respect for the views of the child, the right to life, survival and development to the maximum extent possible, and non-discrimination, including with a view to reducing existing disparities;**

815. The Education Reform was designed in the light of the general principles of the Convention and it includes the full application of all the rights set out therein.

816. For example, there is the encouragement given to a culture of democracy through the establishment of school boards of governors (a pupil is elected to the board by a majority vote of his or her schoolmates for a one year term), the active involvement of parents in their children's education so that they support the whole process, as in the case of the Mita Roga "community homes", and human rights training for teachers in order to create an awareness of the rights and duties of their pupils and to make the teachers into instructors of a culture of human rights.

- **The proportion of the overall budget (at the central, regional and local, and where appropriate at the federal and provincial levels) devoted to children and allocated to the various levels of education**

817. Article 85 of the Constitution ("On a budgetary minimum") states "The resources allocated to education in the general national budget shall not be less than 20% of the total amount allocated to the central administration, excluding loans and grants".

818. In percentage terms the budget performance of the Education Ministry in respect of current expenditure and capital expenditure was as follows:

	1993
Current	98.7
Capital	61.4

	1994
Current	99.7
Capital	90.0

	1995
Current	101.2
Capital	81.9

819. These proportions may continue to rise to rival those of Latin American countries with higher social expenditure, but any such upward trend will have to be accompanied by greater productivity in education and a higher yield. It is important to note that the public sector is aware of the problems, to judge by the series of programmes and projects currently being implemented under the general heading of "Consolidation of the State" or by the existence of administrative modernization programmes such as the one known as "Integrated system for the administration of State resources".

820. According to the Directorate for International Technical Cooperation, 27.4% of international technical assistance is being invested in programmes to consolidate the State:

Technical assistance

Area	Children and disabled
Input	$25,728,000
Percentage	6.4

Area	Basic education and training
Input	$22,747,493
Percentage	5.6

Area	Health
Input	$20,346,621
Percentage	5.5

Area	Consolidation of the State
Input	$109,516,010
Percentage	27.4

821. It must be pointed out that in 1997 the Education Ministry suffered a drastic budgetary cut-back amounting to 37,479 million of the 764,566 million guaraníes allocated to education (a 5% reduction). The Health Ministry also suffered cut-backs even though these are the two most important social ministries with the greatest operational needs.

- **The consideration given to the real cost to the family of the child's education and the appropriate support provided**

822. Experts in a Harvard University mission made an exploratory study in 1997 to identify the direct costs of operating a school in Paraguay per pupil and per year.

823. The findings showed that these costs were lower than the ones set by UNESCO for this level in a developing country.

824. The study covered three types of school:

(a) A middle- and lower-middle-class school in the capital;

(b) A primary school in an area in transition from rural to urban, outside the capital;

(c) Part of a regional education complex, consisting of two primary schools.

825. The lowest cost was $139 per pupil per year and was achieved by type (b). Type (c) had a cost of $179, and type (a) $196. However, all three figures were below the $220 set by UNESCO for this level of education in developing countries.

826. By means of loans requested from the IDB the Ministry has been able to provide the basic textbooks for every child throughout the country in order to help poor families. Although this measure reduces the burden of costs on families with children of school age, they still have to bear other costs such as school uniform and materials and the costs of enrolment and support activities, and of course they have to provide cash for travel to and from school; all of this places a big demand on families, especially when there several children.

- **The measures adopted to ensure that children may be taught in local, indigenous or minority languages**

827. Article 77 of the Constitution ("On teaching in the mother tongue") states:

> "In the early stages of schooling the teaching shall be in the pupils' official mother tongue. Pupils shall also be instructed in the knowledge and use of the two official languages of the Republic.
>
> In the case of ethnic minorities whose mother tongue is not Guaraní, either of the two official languages may be chosen".

Article 140 ("On languages"):

> "Paraguay is a multicultural and bilingual country. Its official languages are Spanish and Guaraní. The law shall establish the modalities for use of one and the other language. The indigenous languages and the languages of other minorities form part of the cultural heritage of the Nation".

828. In the light of these provisions of the Constitution the Education Reform introduced the modality of "Spanish and Guaraní speakers" in various parts of the country for children whose mother tongue is Guaraní and have Spanish as a second language.

829. This modality was introduced in 118 schools; there are currently 400 monolingual schools.

830. The measures taken at the basic level of the education system include:

> Permanent attention to indigenous and rural settlements in terms of provision of teachers, infrastructure and school equipment. School equipment has been distributed to 33 schools in the western region and 50 schools in the eastern region;
>
> Further training for teachers in the use of the mother tongue with the participation of basic-education technical personnel teaching Guaraní courses;
>
> Consolidation of the use of the "Guaraní and Spanish speaking" modality by means of courses for coordinators and teachers of this modality;
>
> Production of a bilingual adult-literacy programme'
>
> Production of basic-education reading materials (Guaraní-Spanish).

- **Mechanisms developed to ensure the access of all children, including girls, children with special needs and children in especially difficult circumstances, to quality education adapted to the child's age and maturity**

831. The following mechanisms have been developed.

Children with special needs

832. One of the biggest advances in the treatment of the various problems affecting children is the attention given to disability and the awareness that even when a child requires special assistance he can still be integrated in his family and community.

833. The Ministry defines special education as "general or vocational education and/or corrective treatment for persons with mental deficiencies and for social misfits and retarded children".

834. Most of the special education is provided by the public sector (72%) or with public subsidy (25.5%), and there are very few private institutions (2.5%). Attention is focused in these services on cases of mental retardation (69.8%) and only secondary attention is given to deafness and even less to blindness. In terms of distribution by sex, the proportion of males catered for in all sectors (58.6%) is surprisingly high, for this differentiation seems to have been overcome in all the other modalities of education.

835. The following activities were carried out in special education from 1996 to 1997:

The Special Education Programme at the initial, basic and secondary levels and in the continuing education of young people and adults reached 8,245 students with special needs. This amounted to an increase of 68% over the 1995 school year.

Special education programmes and services were created and expanded, with the establishment of 341 teacher posts and the opening of three schools, in the towns of Itá, San Pedro and Ciudad del Este.

There were 77 special education and support classrooms operating in 43 regular schools in the departments of San Pedro, Cordillera, Guairá, Caaguazú, Misiones, Paraguarí, Alto Paraná, Central, Amambay and Chaco.

Ten special education schools were constructed or underwent maintenance work in the capital and the interior.

Equipment and materials were supplied to 12 schools in the capital and the interior.

Instruction was given on 35 courses and at special sessions and workshops nation-wide to 4,415 teachers of initial, basic and special education and to teacher-trainers in subjects connected with the prevention and treatment of disability and the integration of pupils with special needs.

The first national forum on special education was held; it was attended by 600 teachers.

A course entitled "Specialization in special education" was held for 16 teachers in conjunction with the Higher Institute of Education.

Specialist technical training in specific learning disabilities was given to 15 teachers from normal and special-education schools.

Ten regional workshops were held for 485 teachers, head teachers and supervisors from the normal and special-education systems.

A study was made of "Teaching strategy for the development of logical and creative thought" in 15 selected schools in the towns of San Bernadino, Altos, Caacupé, Valenzuela, Tobatí and Caraguatay in conjunction with the Higher Institute of Education and a technical cooperation group from Harvard University.

The departmental committees for the development of support measures for persons with special needs were strengthened, in collaboration with the departmental and municipal authorities.

The Vocational Centre for the Disabled was opened on 26 August 1997, with the support of the Japanese Embassy, at the request of the Jasmin Foundation; its purpose is to provide the beneficiaries with technical training to generate cash incomes.

836. In this connection, a request was made to the Ministry of Justice and Labour to furnish materials and equipment such as two welding machines for making sacks, raw materials, etc. Teaching support is also provided by a teacher appointed by the Education Ministry and a physical education leader.

Children in especially difficult circumstances

837. As a result of the increase in their numbers such children are not regarded as special or having special needs but rather as a segment of society requiring urgent measures to ensure their protection and promote their participation in the benefits of economic and social development.

838. This category includes all those children under 18 living in difficult or harsh circumstances, and the aim is to secure their harmonious personal, social, cultural and economic development and their participation in all spheres of family, community and national life.

839. In statistical terms, 9.9% of these children do not work or attend school, and 36.7% of those who work do not attend school. This figure is more striking in the case of girls (43.8%), probably as a result of other obstacles connected with their female status rather than as a result of their work as such (criaditas - servant girls).

840. According to data on school attendance contained in the 1997 UNICEF report "Millions of small workers: thoughts and proposals", about a half of all children complete the last years of primary (47.7%), a third complete only the first three years (29.9%), and very few are found at the secondary level (22.4%), which was rendered free and compulsory by the Education Reform.

841. The Secretariat for Social Action is the agency responsible for administering inter alia the programme "Integrated care for child street workers", mentioned earlier. This programme includes education projects designed to encourage enrolment, regular attendance and retention and better scholastic achievement; the projects cover such activities as school back-up meetings and coordination work. The following projects were approved as of May 1998:

Applicant	Project	Beneficiaries	Department
Dequeni ("Let the Children Come unto Me" Foundation	Street education	140	Asunción
San Felipe parish	Alternative school	60	Asunción
Salesian Centre	Work training for young people	20	Asunción
Ananda Marga Society	Improvement of basic learning conditions in school No. 14,271	32	Central

842. The applicants are non-profit NGOs providing social services for extremely poor children, with the exception of the Ananda Marga Society (a yoga society), which is an international organization providing grass-roots social services for extremely poor families.

843. These projects are described in greater detail in the annexes.

- **The steps taken to ensure that there are sufficient teachers in the school system, to enhance their competence, and to ensure and assess the quality of teaching**

844. The programme of further training for teachers runs courses in December and January and in June and July as part of the teacher-training system for serving staff holding the school-graduation certificate, with a view to their acquisition of the teacher's diploma.

845. More than 2,000 such serving staff in remote areas and areas of difficult access have graduated from this programme.

846. Every three years the teacher training institutes graduate about 3,000 teachers.

847. The recently promulgated Resolution No. 30/98 authorizes the appointment of these students as assistant teachers or to teaching practice to fill all of the country's teaching posts.

848. The following measures have been taken in this area:

Teacher training

Introduction of the national examination for admission to teacher training (a minimum mark of 70% is required).

Certification of 11 teacher training institutes (five public and six private) in Asunción, Yataity, Quiindy, Yuty, Santa Rosa (Misiones), Fernando de la Mora, Itá, Lima, Guarambaré and Capiatá.

Further training and upgrading of qualifications for 2,850 teachers working in secondary education without holding the teacher's diploma, using modular and remote courses.

Operation of 47 further training centres with 141 sections and 5,781 participants.

Training of 1,300 area directors and district supervisors and 11,900 fourth-grade teachers and head teachers. Over the coming months this process will be extended to fifth- and sixth-grade teachers, who have to prepare themselves to start classroom work under the Education Reform from 1998.

Training for 1,200 secondary head teachers and supervisors and 12,000 teachers in the basic stage of the secondary level.

Specialist course in school administration and management for 600 directors of education areas and head teachers and coordinators of secondary schools and colleges. This course was held in six departments: Concepción, San Pedro, Alto Paraná, Guairá, Canindeyú and Itapúa.

Establishment of a National School for the implementation of the Education Reform in the first cycle of basic education in both public and private schools by the pedagogical research and experimentation unit of the Dr. Raúl Peña Higher Institute of Education.

Re-opening of the specialized teaching courses in the Higher Institute of Education and, in collaboration with the San Juan Association of Rural Teachers, in San Juan Bautista (Misiones).

Management capacity-building for the district supervisors and education areas to improve the performance and yield of teachers and thereby the quality of education.

Selection of teachers by district committees as a means of decentralizing education.

Courses on school management for district supervisors and area directors in the departments of Alto Paraná, Canindeyú, Concepción, Itapúa, San Pedro and Amambay.

Refresher courses for teachers in the use of the mother tongue, with instruction in Guaraní by basic education technical personnel.

Improvement of the study circles, with instruction given by trainers of trainers.

Curriculum training for teachers in Alto Paraná and Canindeyú.

Improvement of the implementation of the "Guaraní and Spanish speaking" modality by means of courses for coordinators and teachers of this modality.

Training in environmental education for teachers and supervisors in the capital and Central Department on topics such as refuse disposal and improvement of the quality of life.

Participation of supervisors and directors in the Programme for the Improvement of Secondary Education (MECES)", which focuses on coordination with basic education.

Training of teachers carrying out the Education Reform plan, especially fourth-grade teachers and primary head teachers.

Training in the Education Reform for head teachers and technical personnel to make them into trainers of trainers.

Training of head teachers in the Education Reform by the trainers.

Training of teachers in the Education Reform by the head teachers.

Production of a handbook on the implementation of school innovator projects, together with materials for the training of head teachers and project coordinators.

- **The measures adopted to provide adequate educational facilities, accessible to all children**

849. The following such measures have been adopted:

Equipment of a building with six classrooms and administrative offices for the Saturio Ríos regional teacher training school in San Lorenzo.

Invitation to bid and award of the construction work for a building with six classrooms at the Clementina Irrazábal school in the General Patricio Escobar central education centre in Encarnación and construction of:

- Information technology classrooms in the Saturio Ríos regional education centre;
- Three classrooms at the Tomasa Ferreira de Meza school in the Saturio Ríos regional education centre;
- One classroom/workshop at the Franklin Delano Roosevelt school;
- Two classrooms for the technical baccalaureate in the Dr. Raúl Peña regional education centre in Pedro Juan Caballero;
- Classrooms at the Mariscal Francisco Solano López school in the Dr. Raúl Peña regional education centre;
- Information technology workshops and classrooms for the technical baccalaureate in the Juan E. O'Leary regional education centre in Concepción.

Formulation of the project "Re-equipment of workshops and laboratories", which will benefit 131 schools; a line of credit is being negotiated with the Spanish Government.

Provision of teaching resources for the implementation of youth and adult education programmes in the districts of Villa Elisa, Lambaré and Luque.

Production of teaching materials for various subjects of the mental health, environment, drug addiction, alcoholism and AIDS syllabuses.

Production of the first version of the Spanish literacy programme.

Production of reading materials for basic education (Guaraní/Spanish).

Several measures adopted with the support of international bodies and within the context of the various projects for consolidating the Education Reform:

- Supply of second- and third-grade training handbooks;
- Printing of teaching materials for initial school and out-of-school education;
- Production of 4,000 folders;
- Production of 11,000 copies of the national initial education programme;
- Production of 5,000 copies of the coordination programme for basic education.

A campus of Asunción National University was constructed in San Estanislao (San Pedro Department) for the teaching of economics, obstetrics and philosophy courses.

School construction work completed

Eight secondary schools in the departments of Caazapá, Cordillera, Asunción, Caaguazú, Alto Paraná, Central and Itapúa.

Four primary schools in rural settlements in the departments of Presidente Hayes, Caazapuá and San Pedro.

Six primary schools (MEC-CONAVI project) in Central and Caaguazú Departments.

Five secondary schools in Central, Itapúa, Caaguazú and San Pedro Departments.

- **The rate of illiteracy below and over 18 years, and the rate of enrolment in literacy classes, including by age, gender, region, rural/urban area, and social and ethnic origin**

850. The situation of Paraguay's illiterate population is another of the social conditions on which it is hard to obtain accurate or agreed figures.

851. In order to make international comparisons possible, this report will adopt the UNESCO definition, which regards as "illiterate" a person aged 15 or older who has not completed any years of schooling (absolute illiteracy).

852. For want of more recent data we take the figure from the 1992 population census, which recorded an illiteracy rate of 9.7%. This figure implies a big reduction from the rate of 21.2% shown in the census estimates of 10 years earlier. Most of this reduction has occurred in rural areas: in 1982 some 30% of the rural population was recorded as illiterate, as against 14% in 1992. These figures are consistent with the expansion of primary school enrolment in rural areas and they may therefore be considered fairly reliable. (See table 39 in the annexed document of the Technical Planning Secretariat.)

853. When the figures are disaggregated by sex, it can be seen that females reduced their illiteracy rate more than males, especially in rural areas, where the rate fell from 34% in 1982 to 17% in 1992. This shows that the efforts to bring the less favoured sex into the education system have produced good results.

854. Another factor to be borne in mind is that the illiteracy rate will be lower for the whole of the younger population, for illiteracy rates are known to increase with age, and universal education was introduced in Paraguay in 1960. Thus the rate for the 15-19 age group is much lower - at about 2.3% in urban areas for both sexes and seven and 6% in rural areas for females and males respectively (Heikel, 1996, pp. 123 and 124).

855. It must also be pointed out that the gaps between the sexes in this age group persists in rural areas. The same study found a difference of 10 years between urban and rural areas with respect to equal access to schooling for males and females.

856. Under the Literacy Programme the enrolment rate in the 15-19 age group is high, and the proportion of males stands even higher at 71.4% (see table 38). This lack of access to literacy training by older girls is consistent with traditional attitudes, which regard schooling for the female sex as unnecessary, especially for its older members. However, it must be borne in mind that female enrolment in the work training subprogramme was high (59%). This means that when it comes to literacy the young women who had been excluded from the education system find it harder to break back in (for various reasons, ranging from disregard for female literacy to obstacles connected with

early childbirth); nevertheless, when it comes to work training the programmes of the Education Ministry attract more women.

857. Although it was impossible to obtain full information for the literacy subprogramme, the data on geographical distribution shows that inequalities between the sexes also exist in other departments. Once again there is a greater concentration in Asunción with 22% (no figures are available for Central Department), followed by Amambay and Itapúa Departments.

858. The illiteracy rate of the indigenous population is four and a half times higher than for Paraguay's rural population and its average number of years of formal schooling is three times lower. Bigger gaps between the sexes are also found in the indigenous population than in the rural population: a higher rate of indigenous females with no formal education, and fewer indigenous males in primary school (see table 5).

- Any systems of non-formal education

859. A project entitled "Non-formal education" has been carried out under the Education Reform: it promotes the education of young people and adults as a means of delivering education, literacy and training to persons aged 15 and older who for various reasons (late enrolment, seasonal drop-outs, early entry into the world of work) miss out on primary education.

860. The inclusion of the concept of "permanent education" in the Education Reform (and in the legislation) indicates the importance attached to the expansion of learning opportunities throughout life. The permanent education programme is theoretically open to anyone aged 15 or older who is interested in it. But in practice about 70% of the participants are young people in the 15-19 age group. The main features of this programme are its basic education, work training and literacy components.

861. Most of this age group (77%) enrols in the basic education subprogramme, with a clear predominance of males (66%) over females (34%) (see table 36).

862. In the case of adult basic education 46.7% of the enrolment is concentrated in Asunción and in Central and Alto Paraná Departments. The figures are virtually the same for both males and females (47.4 and 45.4% respectively).

863. In the work training subprogramme the proportion of enrolment in the 15-19 age group was about 75% 1995; the predominance of males over females was maintained (52.7 and 47.3%) but at a lower level than in the basic education subprogramme (see table 37).

864. The participation of this same age group was high in the literacy subprogramme, with more males than females enroling.

865. This project promoted a number of activities: courses, workshops and special sessions for various beneficiaries such as grass-roots leaders and women's organizations, young people of both sexes, schoolteachers and extension workers. Various topics were addressed: reproductive health, civic education, sexual abuse, sexual and reproductive health, monitoring, leadership, maltreatment, and production strategies.

866. Another project is the Mita Iru Active School, operated under an agreement between the Education Ministry, UNICEF, the Ministry's Programme for the Improvement of Basic Education, and IDB. The Active School is an experiment initiated in 1995 in some 10 multi-grade rural schools (one teacher responsible for more than one grade) in the department of Caaguazú as a means of compensating for the shortage of teachers.

867. In these schools the pupils take charge of their own learning and the teacher becomes a facilitato Using special learning materials the pupils work on modules and can suspend and resume their studies, thus adapting to the realities of their rural lives, especially at harvest time. This project also encourage the development of a culture of democracy, for each grade elects a representative to serve for a one-year term on the school's governing board and fight for their interests.

868. According to a report by the Ministry's Department of Basic Education, there are currently 49 such schools with a total of 8,272 pupils in the areas of Caaguazú-Repatriación, José Félix Estigarribia, Presidente Hayes, Benjamín Aceval, Paraguarí and Ybycuí.

- **Any system or extensive initiatives by the State to provide early development and education services for young children, especially for young children from disadvantaged social groups**

869. The system or initiative by the State is the National Non-school Initial Education Programme, which originated in the Campito II community in Colonia Independiente district. It was originally called "Mitai Roga" (Boys' House). In view of the gender approach taken by the Education Reform it is now known as "Mita Roga", which denotes girls as well as boys.

870. This programme seeks to cater for the most pronounced needs such as nutritional deficiencies, lack of stimulus in the family environment, affective deficits, and the weak development of communities. It will stimulate the cognitive, affective, social and psychomotor aspects of the development of under-fives. It offers opportunities of access and equal treatment for children in rural, indigenous and extremely poor villages. The aims are to:

Improve participation in social, historical and religious events in the family, school, community and country;

Develop the capacity to listen to, speak, understand and interpret Guaraní and Spanish;

Instil attitudes of solidarity, respect, courtesy and responsibility;

Enhance the communication of ideas and experience through the development of oral language, music, drawing, painting, game-playing, and bodily movement as the fruits of the children's creativity;

Develop basic skills for manual, mental and group work depending on the needs;

Express simple ideas generated by observation and comparison;

Instil habits of hygiene and personal and collective safety.

The programme also gives advice and training to parents in the stimulation and training of children in and outside the home.

871. In view of the increasing need to provide comprehensive care for small children, the non-school modality proposes as an alternative measure the adaptation and use of one or more family homes in the community, following selection and training of the mothers as leaders caring for groups of not more than 10 children aged under two years whose own mothers work away from the home and can afford this care service for their babies. This modality thus establishes a "learning home" and prevents under-twos from being left alone in the house without supervision and exposed to dangers.

872. The parents using each learning home in the community are required to support the work as a group, making sure that all the commitments contained in the conditions for the operation of the home are fulfilled. It must be stressed that this service is not free; the parents are required to make a small contribution.

873. Teaching materials have been printed and widely distributed to support the work of the Mita Roga and initial education in general. Another success was the training of some 800 teachers and 2,000 mothers using the various Mita Roga services. There are currently 30 Mita Roga located in several of the country's departments.

- **The changes that have occurred in the education system (including with regard to legislation, policies, facilities, budgetary allocation, quality of education, enrolment, drop-out and literacy)**

874. The legislation includes the General Education Act, approved by Decree No. 1264 of 26 May 1998, a copy of which is annexed to this report. This Act redefines the whole process of formal education. It prescribes special education, which includes the teaching of the arts, such as music, dance, drama, and the plastic arts, and designates the State agency the "Ministry of Education and Culture". It creates a National Education Council and officially establishes the teaching of Guaraní.

- **Any monitoring mechanism developed, factors and difficulties encountered and targets identified for the future**

875. Ever since its introduction the Education Reform has had a National System for the Assessment of the Education Process (SNEPE), which monitors the three levels of basic education in such areas as mathematics, Spanish language, and attitude to school. The annexes include a report on the work of SNEPE.

876. Where targets for the future are concerned, there is project called "School of the future". This is an agreement with the United States of America on the introduction of bilingual Spanish/English education and individualized teaching, instruction in moral values, and the establishment of computerized education. There are currently 13 schools with a total of 1,217 pupils participating in this project in Asunción, Caacupé, Itapúa, Capiatá, Luque, Encarnación, Misiones, Pilar, Curuguaty, Coronel Oviedo and Ayolas.

877. Lastly, the present targets propose and encourage preventive work and provide opportunities for participation by means of messages on the development of children and women; this offers daily encouragement to a large part of the country's population, especially the most disadvantaged groups.

878. It can thus be seen that with the present targets it is possible to reach groups of women, young people and children needing support and solidarity. In this sense these targets facilitate the development of integrated projects. In addition, the non-formal education target allows account to be taken of the gender perspective as part of an even-handed approach and as a form of positive discrimination - a temporary measure to help marginalized girls.

- **Other relevant disaggregated data on the children concerned, including on education outcomes, inter alia by gender, age, region, rural/urban area, and national, ethnic and social origin**

879. Responses have already been given on this point in earlier paragraphs. Statistical tables to supplement those responses will be found in the annexes.

107. Reports should also indicate the particular measures adopted:

- **To make primary education compulsory and available free for all, particularly children, indicating the minimum age for enrolment in primary school, the minimum and maximum ages for compulsory education, the proportion of children enrolled, who complete primary education, as well as any relevant disaggregated data including by age, gender, region, urban/rural area, national, social and ethnic origin, service coverage and budgetary allocation**

880. The particular measures include:

(i) Article 76 of the Constitution, which states: "Basic education in school is compulsory. It shall be provided free of charge in the State schools. The State shall promote secondary, technical, agricultural, industrial, and higher and university education, as well scientific and technological research. The organization of the education system is an essential responsibility of the State exercised in conjunction with the various educational communities. This system shall cover the public and private sectors and school and out-of-school activities".

(ii) The Education Reform, which constitutes an effective practical means of providing compulsory primary education free to all.

Pre-primary level

881. The average age of children in pre-primary is four to five years. The cover of the education system at this level is still limited and is heavily concentrated in urban areas (75.5%). However, the cover increases every year: between 1992 and 1995 enrolment rose at an annual rate of 19.2% (40.4% in 1992), some six times faster than the population growth rate (Technical Planning Secretariat document).

882. The cover has increased most in the public sector, which accounts for about 60% of the enrolment and is growing at a rate of about 28.3%. There has also been a considerable expansion in rural areas, at a rate of 31% between 1992 and 1995, although rural enrolment still accounts for only 24.5% of the total.

883. It must also be borne in mind that, according to Education Ministry data, in the period 1987-1992 the enrolment rate was about 13.7%, a fact which validates the efforts made under the Education Reform to encourage pre-primary education.

Primary level

884. Since the introduction of the Education Reform the period of basic education has been extended to nine years, from age six to 15. As already mentioned, so far the reform has been implemented only as far as the first six grades.

885. Ninety-one per cent of the 7-12 age group is enrolled at the primary level. In terms of geographical distribution rural enrolment was lower than urban in 1992-1995 although increasing in absolute numbers.

886. The public sector accounts for more than 6% of enrolment, and there is still a certain predominance (3%) of boys over girls.

887. With respect to the system's efficiency (apart from the good coverage), the indicators of regular attendance, drop-outs and academic performance are also of interest; regular attendance is the area in which most progress has been made.

888. For example, between 1992 and 1995 the primary school drop-out rate fell from five to 4%, with the highest levels in rural areas (5.2%), in public schools (4.6%) and among boys (4.5%) (see table 4 in the report of the Technical Planning Secretariat). The biggest decline in the drop-out rate was found in private schools (2.3%) and in urban areas (3.2%). The retention rate in primary school also made progress in this period, rising from 55 to 58% but with a gap between urban areas (75.8%) and rural areas, where less than half (46.3%) of the children who enrolled at the primary level successfully completed it. There was also a difference in the retention rate between boys (55.7%) and girls (61%). Although girls had fewer opportunities of access, they did better in terms of completing the primary cycle and of performance (see table 31). Every year the most drop-outs occurred between the fifth and sixth grades and between the first and second grades, the latter group being the one which initiated the reform process.

889. In 1995 the rate of performance, or advancement from the primary cycle, was about 52% nationally.

890. If this indicator is compared with the retention rate there is little difference between the two, but a 52% performance rate indicates a worrying situation: only five out of every 10 children enroling in primary succeeded in completing the cycle six years later.

891. In contrast to the drop-out/retention rate, the performance rate was lower in urban areas; this means that although the cover was better and drop-outs fewer the gap between the number who enrolled and the number who completed the cycle was wider than in rural areas. According to these figures, the expansion of the system in the primary cycle was greater in urban areas but less effective than in rural ones. Boys constitute the other big problem area, for fewer than half of them completed the primary cycle.

892. The questions of the coverage of the service and budgetary allocations were dealt with under general guideline 106.

- **To encourage the development of different forms of secondary education, including general and vocational education, and measures adopted:**
    - **To make such forms available and accessible to every child, providing inter alia any relevant disaggregated data including by gender, age, region, rural/urban area, national, social and ethnic origin, coverage and budgetary allocation**

893. Article 76 of the Constitution stipulates that basic education shall be compulsory and free, and this provision was specifically incorporated in the Education Reform. In order to make this level of education available to all children the Education Reform extended the scope of compulsory and free basic education to cover the secondary level. The duration of basic education was thus increased to nine years in 1992.

894. In reality the Education Reform has had more effect at the primary level, while no immediate changes have resulted in secondary.

895. Disaggregated data for boys, girls and young people will be found in the section on access to education.

896. There is no information on the coverage or the budgetary allocations.

. **To introduce free secondary education and offer financial assistance in case of need, indicating the children concerned, including by gender, age, region, rural/urban area, and national, social and ethnic origin, and the budget allocated for that purpose**

897. As pointed out in preceding section, the Education Reform provides for free secondary education. And as mentioned earlier, the selection committee for the Programme of Economic Assistance for Young Students was set up in 1997; it addresses the needs of academic high-flyers who cannot continue their studies for want of money, with the aim of helping them by awarding scholarships to ease this difficulty.

898. This information was compiled from the annual report of the Executive (June, 1997).

- **To make higher education accessible to all on the basis of capacity, indicating inter alia the rate of access to higher education by age, gender and national, social and ethnic origin**

899. In order to make higher education available to all on the basis of ability the Education Reform provides for the implementation of the Programme for the Improvement of Secondary Education (MECES), under which the following actions have so far been taken:

Training in the Education Reform for head teachers and technical personnel to make them trainers of trainers;

Training of head teachers in the Education Reform by trainers;

Training of teachers in the Education Reform by head teachers;

Implementation on an experimental basis of the school innovator projects in the departments of Caaguazú and San Pedro, with the participation of 40 schools;

Initiation of 707 subject courses in 142 secondary schools;

Assignment of personnel to strengthen the offices of district coordinators by filling 38 coordinator, evaluator, secretary and auxiliary posts in 16 supervision districts;

Production of the handbook on implementation of the school innovator projects and materials for the training of head teachers and project coordinators.

900. In terms of access to secondary education, the enrolment was higher in urban areas (82.2%) in 1992-1995, but the expansion rate was four times higher in rural than in urban areas (35 and 7.9% respectively) owing to the efforts of the private sector, which grew two and a half times faster than the public sector (21 and 8.4%). No significant divergences were found between the sexes.

901. The expansion of secondary enrolment in rural areas does not necessarily mean an improvement in the standard of the education. What happened was that the retention rate behaved differently by area: it was higher for all courses in urban areas (54% at the end of the cycle) and very selective between primary and secondary in rural areas (57%). In any event, the period 1992-1995 saw an increase of about 10% in the retention rate in rural areas (30% at the end of the cycle in 1995). (See table 34 in the Technical Planning Secretariat report.)

902. Among the various branches of the humanities or general baccalaureate, taken by most students, the commercial baccalaureate is steadily losing enrolment, and the technical baccalaureate is still very underdeveloped despite its incorporation in the legislation and, more importantly, the challenges implied by the need to train middle-management, technical and professional personnel imposed by economic integration projects such as MERCOSUR, which involves Paraguay, Argentina, Brazil, Bolivia, Chile and Uruguay.

903. This level of training, which accounted for only 3.1% of secondary enrolment in 1995, is taken up mostly by males (69.4%) and in urban areas, and it is centred on the technical baccalaureate for both males and females.

904. Non-formal technical education, offered by public and private institutions, attracts more students from the adult populations.

905. The access of the indigenous population to secondary education totals 1.7% (2.2% male and 1.2% female); for further details see the annexed statistical tables on the indigenous population.

- **To make educational and vocational information and guidance available and accessible to all children, indicating, inter alia, the forms of such information and guidance, the mechanisms used to assess their effectiveness, the budget allocated for that purpose, as well as any relevant disaggregated data, including by age, gender, region, urban/rural area, and social and ethnic origin**

906. The Education Ministry's Department of Educational and Vocational Guidance offers vocational guidance services for the 15-19 age group in public schools, especially for technical courses.

907. In addition, at the start of every year all the country's universities publish supplements describing in detail the courses offered and their objectives and scope. Private schools do likewise. There are also private initiatives such as the ones taken by the newspapers ABC Color, Noticias and Ultima Hora, which regularly publish educational and vocational information of great use to both students and teachers.

908. The National Vocational Promotion Service, a technical agency of the Ministry of Justice and Labour, came into being in 1972. Its main purpose is to organize, develop and promote a system of vocational training. Its courses are aimed at persons from different levels and sectors of the economy, and it covers the whole country with its network of central offices, local branches and mobile units, which reaches every corner of the land. It also furnishes assistance and support to the production sectors through a dual-learning system for young people aged 15 to 20: the theoretical work is done in a training centre and the vocational practice in an enterprise. It offers the following courses in this area: metal-working, bank management, carpentry, cabinetmaking, bakery, confectionery, industrial electrics, car repair, tourism, textiles, commercial management, graphic arts, industrial maintenance, hotel management, and farming. This information was compiled from a publication of the Office of the First Lady, November 1997.

- **To encourage regular attendance at school and to reduce drop-out rates, including research, any mechanisms developed to assess the situation, and incentives provided to encourage school entrance, regular school attendance and school retention, any alternatives provided for children who are excluded from school, as well as other relevant data disaggregated by age, gender, region, urban/rural area, and social and ethnic origin**

909. An agricultural calendar was devised for schools in order to encourage regular attendance, especially in rural areas; it varies from region to region according to the local cropping system. The schools organize their programmes on the basis of this calendar, breaking off at harvest time and resuming once the harvest is in; they thus help to prevent children from dropping out for economic reasons and at the same time make it easier for them to help their families with the farming work.

910. The same function is performed by the Mit□ Ir□ Active School programme, described earlier.

108. Reports should also provide information on any category or group of children who do not enjoy the right to education and the circumstances in which children may be excluded from school temporarily or permanently (for example disability, deprivation of liberty, pregnancy, HIV/AIDS infection), including any arrangements made to address such situations and to ensure alternative education. Disaggregated data should be provided, including by age, gender, region, rural/urban area, and social and ethnic origin.

911. The groups of children who are temporarily excluded, by reason of special circumstances, from exercising their right to education include pregnant girls, who may be excluded from either public or private schools on the ground of their pregnancy. Such children do have ready access to other private institutions offering education in accelerated or regular courses, which can be adapted to the needs of pupils who for special reasons cannot complete the studies begun in other schools. Since these institutions do not belong to the State, the fees must be paid by the pupils.

912. The Education Ministry's National Institute for the Protection of Persons with Special Needs (INPRO) has an operational programme to enable disabled children to enrol in public or private schools and share classrooms with normal children.

913. The new Education Act (No. 1264, promulgated on 26 May 1998) establishes modalities of education for persons with disabilities or special needs with a view to securing their total rehabilitation. Persons deprived or their liberty may take a literacy course which goes as far as the third grade.

914. There have not yet been any cases of children excluded from school because they are suffering from AIDS.

915. The Ministry has a programme to help children of school age undergoing long-term treatment in public hospitals who cannot attend regular classes. They are visited by teachers who give them comprehensive educational support; one example of this was the session for such children held in April 1998 at the Itagúa National Hospital. This information was compiled from documents supplied by the Schools Department of the Education Ministry.

109. Please indicate all appropriate measures taken pursuant to article 28, paragraph 2, to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the Convention, including:

- **Legislation applying to public and private schools and other education institutions and prohibiting all forms of violence, including corporal punishment, as well as any other disciplinary measures which are not consistent with the child's human dignity or in conformity with the provisions of the Convention, including articles 19, 29 and 37 (a),**

and its general principles particularly of non-discrimination, best interests and respect for the views of the child

916. Physical punishment is not permitted in any primary or secondary school in the public or private sector, in accordance with the provisions on the protection of children contained in article 54 of the Constitution. Article 8 (d) of the Juvenile Code states: "All children have the right to receive humane treatment from their parents, guardians or foster parents".

917. Furthermore, title VIII, article 48 (b), of the Primary Schools Regulations states that children have a right to be treated with kindness and understanding, without any discrimination, that their personalities must be respected and that they must not be harmed by word or action.

918. The Education Reform includes non-curricular components designed to encourage families to take a part in school and community management; these components are currently being supported by projects in which UNICEF is cooperating.

919. Article 7 of the draft Children's Code also states:

> "It is a duty of the family, the community, society at large and the State to protect children and adolescents by safeguarding them against any physical, social or psychological risk arising from the omission or commission of an act, discrimination, exploitation, violence, cruelty, oppression or aggression.

920. Anyone may require the competent authority to enforce these guarantees and punish violators".

- **Any monitoring system of the administration of the school discipline, as well as mechanisms of reporting and complaint**

921. The Public Prosecutor's Office and the Secretariat for Women have carried out programmes to train teachers to look out for indications of ill-treatment, such as repeated absences, signs of physical or mental violence, or any other indication of aggression.

922. Reports may be made to the Juvenile Complaints Department of the Attorney General's Office, which children may approach in person or through a representative.

923. Article 8 (h) of the Juvenile Code states that children have a right to receive treatment and attention consistent with their aptitudes and physical and mental capacities.

924. And article 36 of the draft Children's Code states:

> "The managers and teachers of educational institutions are obliged to communicate to the competent authority any case of suspected or verified physical, emotional or sexual maltreatment of their pupils, or any case of repeated and unjustified absence or drop-out, expulsion or refusal to re-admit a former pupil".

925. Article 37 states:

> "Educational institutions shall exhibit in public and visible places information concerning the agencies to which children and adolescents, their parents or other persons officially responsible for them may apply in the cases envisaged in the preceding article".

- **Any independent mechanism established for that purpose**
- **Legislation providing the opportunity for the child to participate in administrative or judicial proceedings relating to education and affecting him or her, including those relating to the choice of school, school exclusion.**

926. Apart from the Convention on the Rights of the Child there is no legislation which expressly accords children these rights. As mentioned earlier, juvenile judges permit children to participate actively in any judicial proceedings affecting them, on the basis of the principles of the Convention.

927. Children are not normally involved in decisions relating to the choice of their school or to their expulsion from school. Authority is still imposed in these matters.

110. With regard to article 28, paragraph 3, please provide information on the measures adopte to promote and encourage international cooperation in matters relating to education, in particular with a view to:

Contributing to the elimination of ignorance and illiteracy throughout the world;

Facilitating access to scientific and technical knowledge and modern teaching methods;

Taking particular account of the needs of developing countries.

928. The programme in these areas of education and training receives international support in the form of grants of materials and equipment, infrastructure works, and award of scholarships.

929. The projects in operation include the following:

1. Project of the Paraguayan Centre for Telecommunications Training
   Funding: Japan

2. Bilingual education for indigenous groups (OISCA-International, Paraguay)
   Funding: Japan

3. Construction of school No. 13,453 (María Auxiliadora) in Limpio
   Funding: Japan

4. Construction of classrooms at the Yguazú Adventist School of East Paraguay
   Funding: Japan

5. Construction of school No. 14,128 in the Arroyo Claro settlement
   Funding: Japan

6. Forestry engineering course at Asunción National University
   Funding: Germany

7. Education for health and improved learning
   Funding: Spain

8. Project on equal opportunities in education
   Funding: Spain

9. Continuous training of human resources
Funding: Spain

10. Remote education
Funding: Spain

11. Educational demands of young people in Paraguay
Funding: UNDP

12. Improvement of primary education
Funding: IDB

13. Assistance for the Canaán de Nemby technical school
Funding: Republic of Korea

111. Reports should also indicate the activities and programmes developed, including at the bilateral and regional levels, the target groups identified, including by age, gender and national, social and ethnic origin, the financial assistance provided and/or received and the priorities established, and the consideration given to the aims of education as identified by article 29 of the Convention, as well as any evaluation made of the progress achieved and of the difficulties encountered. Mention should be made, whenever appropriate, of the involvement of United Nations organs and specialized agencies and non-governmental organizations.

930. Regional projects for rural children:

UNICEF: Mitã Iru Active Schools programme in the departments of Caaguazú and Presidente Hayes, at the consolidation and extension stage;

Plan International: Active Schools programmes in the departments of Caaguazú (Repatriación), José Felix Estigarribia, Presidente Hayes (Benjamín Aceval), and Pataguarí (Ybycuí): a total of 50 schools with 8,272 beneficiaries;

BECA: Educational back-up in the community. Technology transfer project on sex education;

Beneficiaries: 2,604 sixth-graders; 48 teachers; 37 schools; two supervision districts.

The beneficiaries are rural children but the indigenous population is not counted in these figures.

931. There is no information on financial assistance or on evaluation of progress or difficulties; as noted, these projects are at the consolidation stage.

B. Aims of education
(article 29)

112. Please indicate the legislative, administrative, educational and other measures adopted to ensure that the aims of education established in the State party are consistent with the provisions of this article, in particular with regard to:

- **The development of respect for the child's personality, talents and mental and physical abilities to their fullest potential;**

- **The development of respect for human rights and fundamental freedoms, and for the**

principles enshrined in the Charter of the United Nations, indicating whether the subject of human rights in general, and children's rights in particular, has been incorporated in the school curricula for all children and promoted in school life;

- **The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she originates and for civilizations different from his or her own;**

- **The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;**

- **The development of respect for the natural environment.**

932. Article 73 of chapter VII ("On education and culture") of the Constitution states:

> "Everyone has the right to comprehensive and continuous education given effect as a system and a process in the context of the culture of the community. Its purposes are the full development of the human personality and the promotion of freedom and peace, social justice, solidarity, cooperation and the integration of peoples, respect for human rights and democratic principles, the affirmation of commitment to the Fatherland and of cultural identity, intellectual, moral and civic training, and the elimination of discriminatory content from educational materials."

933. The eradication of illiteracy and the provision of training for work are permanent objectives of the education system.

934. The following educational objectives were established in the Education Reform:

To increase the coverage in initial and basic education;

To recruit trained personnel to help to improve management;

To add more primary schools on a gradual basis and to reduce the number of grades covered by multi-grade schools;

To give priority to initial education and to schools in indigenous and rural areas, as well as to other vulnerable schools;

To implement the Education Reform in pre-school and basic education up to the third grade by 1996;

To introduce alternative modalities in the education system, such as the Active Schools programme;

To devise plans, programmes and projects for children in collaboration with governmental and international agencies;

To produce, print and distribute textbooks and exercise books for children covered by the Education Reform;

To consolidate the proposed national curriculum within the framework of the gradual introduction of bilingual programmes;

To expand the modalities of initial education by means of local self-management;

To support the construction and equipment of schools by encouraging grass-roots participation for social development;

To provide training and refresher courses for the teachers carrying out the Education Reform;

To consolidate the methodologies which facilitate meaningful learning;

To adapt the curriculum to the regional situation within the context of the Education Reform.

935. Democratic Education is a shared responsibility of the school, the family, the Church, social clubs, political parties and cooperatives; in short, of the whole community. The development of Democratic Education during initial education and the three cycles of basic education is founded on human rights and vocational guidance.

936. The content of the concept of Democratic Education is based on a comprehensive approach and addresses all the dimensions of human development: mental skills, acquisition of knowledge, attitudes, values, and psycho-motor abilities and skills.

937. This is achieved by means of methodologies which encourage participation, free expression, respect for dissenting opinions, cooperation, integration, and problem-solving in order to build knowledge and enhance democratic life.

938. The incorporation of human rights in the Education Reform is aimed at the creation of a culture of respect for the dignity of the human person in the universal context of human rights, seeking to educate children in the truth and in human values such as honesty, social justice, tolerance, solidarity and respect, to instil attitudes of perseverance and integrity in confronting problems, and to develop the creativity to devise alternative solutions.

113. Reports should also indicate:

- **The training provided to teachers to prepare them to direct their teaching towards these aims;**
- **The revision of school policies and school curricula to reflect the aims identified in article 29 at the various levels of education;**
- **Relevant programmes and material used;**
- **Any peer education and peer counselling promoted;**
- **Efforts made to bring school organization in line with the Convention's principles, for example mechanisms created within schools to improve the participation of children in all decisions affecting their education and well-being.**

939. From the outset the Education Reform has included a programme of training and refresher courses for teachers which is executed through the "A" workshops for each grade of basic education. These workshops teach all the relevant components of the gradual implementation process.

940. They are held in the departments and are attended by all the members of the education community: secretaries for education, supervisors, head teachers and teachers.

941. In conjunction with IDB the Education Ministry provides the funding for these events and for other events scheduled in the operational plans.

942. The Mita Iru Active School programme, described under general guideline 106 on systems of non-formal education, offers another means of training teachers to direct their work towards the goals of the Education Reform. In 1997 this training programme ran 26 courses for 163 teachers and nine courses for 480 parents. The Active Schools seek to instil a culture of democracy: each grade elects b direct vote term a representative to serve on the school's board of governors for a one-year term.

943. One of the mechanisms created to enable children to express their opinions is the student delegat for each grade or course. As early as the secondary level students have their own organizations or student centres, usually drawing their membership from the higher levels of the institution, which act a spokesmen for and defenders of student rights.

944. However, in practice little account is taken of the views of student representatives in decision-making in schools. One example of this situation is that students are not consulted about the formulation and design of syllabuses even though they have the biggest stake in this matter. Students have little opportunity to play a role in the appointment of academic authorities, and even when they do participate their role is only symbolic.

945. But in recent years there have been instances of students and their parents making complaints and even using force to obtain the dismissal of a teachers guilty of abusing his authority.

114. Please indicate the measures adopted pursuant to article 29, paragraph 2, to ensure respect for the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirements that the education given in such institutions conforms to such minimum standards as are laid down by the State.

946. The function of "school liaison officer" was created to enable parents to encourage participation, collaboration and solidarity among the members of the school with a view to improving the quality of the education. These liaison officers an organization regulated by a resolution of the Education Ministry, by which they are recognized. Every school has its liaison officer, who collaborates with the school management.

Recognized school liaison officer associations:	1,250
Construction associations:	71

115. Reports should also provide information on the appropriate mechanisms developed to:

- **Ascertain that the aims of education identified by the Convention are respected by such institutions;**
- **Ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent;**

947. Schools are monitored by the district supervisors' offices, which are responsible for planning for the attainment of the objectives proposed by the Ministry, for ensuring that they are taken into account, and for evaluating the progress and redirecting the work.

948. The primary level has 80 district supervisors for the whole country.

949. Supervisors are also responsible for ensuring respect for the general principles of the Convention and they address this point in their evaluation work in order to detect possible violations of these principles.

116. Reports should further provide information on the progress achieved in the implementation of this article, difficulties encountered and targets set for the future.

950. The progress achieved in the implementation of this article consists of the Education Reform and the General Education Act promulgated by Decree No. 1264 of 26 May 1998.

951. The main difficulty is the failure to allocate sufficient funds in the national budget to education, which is just as a big a priority as health and in which children have a greater stake.

C. Leisure, recreation and cultural activities
(article 31)

117. Please provide information on the measures adopted, including of a legislative nature, to recognize and ensure the right of the child to:

- **Rest and leisure;**
- **Engage in play and recreational activities appropriate to the age of the child;**
- **Participate freely in cultural life and the arts.**

952. The following measures safeguard these rights:

Article 74 of the Constitution states:

> "The right to learn and equality of opportunities in access to the benefits of humanistic culture, science and technology are guaranteed without any discrimination.
>
> The freedom to teach, with no more requirements than those of suitability and ethical integrity, and the rights to religious education and ideological pluralism are likewise guaranteed".

Article 83 states:

> "No fiscal or municipal taxes shall be imposed on objects, publications and activities of significant value for the dissemination of culture or for education. The law shall regulate this exemption and establish a system of incentives for the introduction and establishment in Paraguay of the necessary elements for the exercise of the arts and for scientific and technological research, as well as for their dissemination at home and abroad".

Article 8 of the Juvenile Code, on children's rights, establishes in general terms their right to maintenance, education, shelter and clothing consistent with their age and sex, but it does not contain any more specific provisions in this connection.

953. The municipalities have departments of culture responsible for holding cultural and recreationa events for children, young people and adults in the form of theatrical works, exhibitions, concerts, ballet performances, literary and artistic competitions, etc.

954. Attention is drawn here to the work of the Municipality of Asunción, whose department of cult organizes a series of such events throughout the year.

955. In addition, public and private educational institutions have an annual Cultural Agenda which includes the celebration of national holidays with the participation of pupils and parents, excursions, visits to the country's hydroelectric dams and historical sites, sporting competitions, concerts and theatre and ballet performances. The music departments teach instruments such as the guitar, flute an harp in addition to music theory and solfa. Excursions are also made to national parks in the interior order to promote domestic tourism.

956. It is very common for students in private secondary schools to organize events such as festivals, fêtes and bazaars to raise funds for the traditional end-of-year trip. These events are usually supervise by the school managers and the parents' committee in order to ensure that they are properly conducte i.e. to prevent the consumption of alcoholic beverages by the students, the distribution of toxic substances, physical or verbal aggression, etc.

118. In this regard, reports should also indicate:

- **The proportion of the relevant overall budget allocated (at the central, regional, local a where relevant at the federal and provincial levels) for children**

957. There is no information on this point.

- **The cultural, artistic, recreational and leisure activities, programmes or campaigns developed and provided at the national, regional or local, and where appropriate at the federal and provincial levels, to ensure the enjoyment of this right including in the family, in the school and in the community**

958. Paraguay has not got any cultural policies for the provision of recreational, leisure or holiday activities for children. Generally speaking, Asunción and other chief towns do run some such activitie on a more organized basis. The activities depend directly on the infrastructure available in these towns

- **The enjoyment of the rights recognized by article 31 in relation to other rights recognize by the Convention, including the right to education**

959. This point is covered above.

- **The respect ensured to the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent**

960. The general principles of the Convention are partially respected.

- **Relevant data on the children concerned, including by age, gender, region, rural/urban area, and national, social and ethnic origin**

961. No information is available on this point.

- **Progress achieved in the implementation of article 31, difficulties encountered and targets set for the future**

962. Progress has been achieved in the cultural activities organized by the municipalities, especially Asunción.

963. The promulgation of the General Education Act, which defines the relevant State agency as the Ministry of Education and Culture, continues to generate a greater commitment to cultural and other recreational programmes.

964. One difficulty is that the cultural or recreational activities may be rather expensive and beyond the reach of extremely poor children. This prevents the attainment of the proposed objective of facilitating the exercise of the right to participate in such activities.

VIII. SPECIAL PROTECTION MEASURES
(articles 22, 38, 39, 40, 37 (b)-(d), 32-36)

A. Children in situations of emergency

1. Refugee children (art. 22)

119. Please provide information on the appropriate measures adopted pursuant to article 22, paragraph 1 to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures, whether unaccompanied or accompanied by his or her parents or by any other person, receives appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the Convention and in other international human rights or humanitarian instruments to which the State is a party.

965. Paraguay has legislation establishing general policies on migration. But it has only the two following provisions on refugees as such. Article 43 of the Constitution states:

> "Paraguay accords the right to territorial and political asylum to anyone persecuted for a political crime or a related common crime or for his opinions or beliefs. The authorities shall immediately issue personal documents and the corresponding safe-conduct to such a person. No political refugee shall be transferred by force to the country whose authorities are persecuting him".

966. And article 3 of the Migrations Act states:

> "Political refugees shall also be able to remain in the country by regularizing their situation, for which purpose documents or testimony supplied by persons residing in Paraguay shall be admissible and regarded as sufficient for verifying a refugee's identity and country of origin or the country from which he has arrived. The same procedure shall likewise apply to refugees and displaced persons not in possession of documents qualifying them to remain in the Republic".

967. In Paraguay the Secretary of State responsible for receiving applications for asylum is the Minister for Foreign Affairs. However, there is no law making such a provision.

968. Nor is there any legislation providing for possible avenues of appeal against decisions denying refugee status or a corresponding immigration visa.

969. Nor is there any legislation addressing the rights of members of a refugee's family with respec residence and documentation, but the broad interpretation of the existing legislation in practice mean that such rights are implicitly accorded.

970. Where international instruments are concerned, Paraguay has signed the 1951 Convention and 1967 Protocol relating to the Status of Refugees.

971. These instruments give a general and universally applicable definition of the term "refugee" an establish minimum rules for the treatment of refugees. The Convention regulates in detail the legal status of refugees and provides States parties with a uniform basis for the treatment of persons or gro of persons entitled to protection.

120. Reports should also indicate:

- **The international and domestic law and procedures applicable to the child who is considered a refugee or is seeking asylum**

972. The legislation and procedures described in the preceding section apply to children.

- **Relevant international human rights and humanitarian instruments to which the State i a party, at the multilateral, regional and bilateral levels**

Multilateral human rights instruments ratified by Paraguay

Geneva Conventions relating to the Protection of Victims of International Armed Conflicts
Signature: Geneva, 12 August 1949
Ratification: Act No. 693 of 30 September 1960

Protocols Additional to the Geneva Conventions of 12 August 1949 and relating to the Protectio of Victims of International Armed Conflicts (Protocol I) and of Non-International Armed Conflicts (Protocol II)
Signature: Geneva, 9 September 1977
Ratification: Act No. 28 of 20 August 1990

Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (Convention I)
Signature: Geneva, 12 August 1949
Ratification: Act No. 693 of 30 September 1960

Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (Convention II)
Signature: Geneva, 12 August 1949
Ratification: Act No. 693 of 30 September 1960

Geneva Convention relative to the Treatment of Prisoners of War (Convention III)
Signature: Geneva, 12 August 1949
Ratification: Act No. 693 of 30 September 1960

Geneva Convention relative to the Protection of Civilian Persons in Time of War (Convention IV
Signature: Geneva, 12 August 1949
Ratification: Act No. 693 of 30 September 1960

Convention relating to the Status of Refugees
Signature: Geneva, 28 August 1951
Ratification: Act No. 136 of 11 October 1969

Protocol relating to the Status of Refugees
Signature: New York
Ratification: Act No. 136 of 11 October 1969

- **The domestic legislation and procedures in place, including to determine refugee status and ensure and protect the rights of asylum seeking and refugee children, as well as any safeguards established and remedies made available to the child**

973. Paraguay's domestic legislation and procedures do not specifically establish refugee status. They only provide that refugees not in possession of documents qualifying them to remain in the Republic must have their identity and origin certified by witnesses, as in the case of political asylum, until their situation is regularized. It is thus clear that there is no specific regulation on refugee children to ensure respect for their rights. The only applicable provisions are those on the protection of children contained in the Constitution, which address all children without distinction as to nationality. For example, article 54 states:

> "The family, society and the State have an obligation to ensure children's [without specifying Paraguayan, refugee, indigenous, etc., so that the term is understood to be universal and applicable to all children] harmonious and comprehensive development and the full exercise of their rights, protecting them against neglect [...]. In the event of a conflict, the rights of the child shall prevail".

974. Such is the legislative framework which the State of Paraguay offers to refugees.

- **The protection and humanitarian assistance provided to the child in the enjoyment of his or her rights set forth in the Convention, as well as in other relevant international instruments, including civil rights and freedoms and economic, social and cultural rights;**
- **The measures adopted to ensure and protect the rights of the unaccompanied child or of the child accompanied by his or her parents or by any other person, including in relation to temporary and long-term solutions, family tracing and family reunion**

975. With regard to measures as such, by Act No. 227/93 the State created the Secretariat for Conational Returnees and Refugees to provide guidance and support during the process of the reintegration in Paraguay of returnees and their families, who are given assistance with their resettlement in society and in productive work.

976. It is estimated that some 1,300 families returned in 1996; they were attended to by offices in Asunción, Buenos Aires, Puerto Falcón and Encarnación.

977. A Returnees Home was established in 1997 in Itá. The National Housing Council (CONAVI) found 140 housing units for refugees in various parts of the country.

978. In addition, agreements were struck with several institutions to provide training, financing and other assistance services in connection with production activities.

- **The measures adopted to ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible;**

- **The measures adopted to ensure appropriate dissemination of information and training on the rights of the child who is a refugee or is seeking asylum, particularly to the officials competent in the areas addressed by this article**

979. The Churches' Committee for Emergency Assistance (CIPAE) uses radio programmes, teaching materials, videos and cassettes to disseminate every kind of information about the rights of refugees in general. The Government has no programmes for publicizing such rights.

- **The number of asylum seeking and refugee children disaggregated inter alia by age, gender, country of origin, nationality, accompanied or unaccompanied**

980. There are no unaccompanied refugee children in Paraguay; all refugee children are under the protection of family members, who are responsible for satisfying the children's needs.

981. Where language is concerned, it should be noted that refugee children rapidly acquire Spanish and undertake the instruction of their parents.

982. The numbers are as follows:

Russian: Two children aged nine and six years. They came to Paraguay in 1993 with their parents, who were political refugees, victims of the civil war in Chechnya.

Vietnamese: Seven boys and nine girls with ages ranging from one to 15 years. They came to Paraguay in 1985 with their parents, who were seeking political asylum. They are currently living in Alto Paraná.

Iraqi: Two girls and one boy, all aged four, and a six-year-old boy. They came to Paraguay in 1994 as a result of political pressures suffered by their parents during the armed conflict between Iraq and Iran.

Iranian: Two girls and one boy aged 12 and a boy aged 16. They came to Paraguay in 1984 with their parents, who were being persecuted for religious reasons.

Cuban: One boy aged 14. He arrived with his mother in 1989 to join his father, who was persecuted for belonging to a human rights group opposed to the Government of Fidel Castro.

983. The ages mentioned above are current ages. The Vietnamese children, who were born Paraguay, are likewise regarded as refugees and receive CIPAE assistance.

- **The number of such children going to school and covered by health services**

984. The children were of school age at the time of their arrival. After a time they were given help by CIPAE and once they had become familiar with Spanish, by means of special classes, they were enrolled in school. Some of them settled in the department of Alto Paraná and acquired Paraguayan nationality; others emigrated to Brazil.

985. CIPAE has knowledge of some children who completed their school studies; one example is a Vietnamese girl who is currently studying dentistry in Brazil on a CIPAE scholarship. CIPAE has this information because these children come to it seeking help of every kind and in passing they report on their scholastic achievements.

986. CIPAE also pays all the costs of health care for refugees requesting this kind of assistance.

- **The number of staff handling refugee children who attended training courses to understand the Convention on the Rights of the Child during the reporting period, classified by type of job**

987. The Office of the United Nations High Commissioner for Refugees (UNHCR) and CIPAE have trained staff in Paraguay who are kept constantly up to date by means of national and international refresher courses. UNHCR has its regional office for South America in Buenos Aires.

121. Please also indicate the measures adopted pursuant to article 22, paragraph 2 to provide cooperation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations cooperating with the United Nations to:

- **Protect and assist the child;**
- **Trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family.**

In cases where no parents or other members of the family can be found, please indicate the measures adopted to ensure that the child is accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the Convention.

988. CIPAE is the NGO cooperating with UNHCR for the protection of refugees.

122. Pursuant to this article, please also indicate any evaluation mechanism established to monitor the progress achieved in the implementation of the measures adopted, any difficulties encountered, as well as any priorities set for the future.

989. Efforts have been made to increase public and congressional awareness of the need to introduce a refugee protection act to ensure that refugees are not regarded merely as foreigners, as under current legislation.

2. Children in armed conflicts (art. 28), including physical and psychological recovery and social reintegration (art. 39)

123. Please provide information on the measures adopted pursuant to article 38, including of a legislative, administrative and educational nature, to respect and ensure respect for the rules of international humanitarian law applicable to the State in armed conflicts which are relevant to the child. In this regard, reports should identify the relevant international conventions, instruments and other rules of humanitarian law applicable to the State and the measures adopted to enforce them, as well as to ensure their effective dissemination and appropriate training for professionals concerned.

990. The legal measures to ensure respect for the rules of international humanitarian law stem from article 137 of the Constitution, according to which all the international conventions, treaties and

agreements signed and ratified by Paraguay form part of domestic positive law, i.e. that they are accorded constitutional status and are therefore strictly applied.

991. It is not in fact possible to supply any information in answer to this question and all the other questions on this topic. The last armed conflict in which Paraguay was involved occurred in 1932 and 1935 - the Chaco War with Bolivia. There was a civil revolution in 1947 which lasted about six months. There was some guerrilla activity during the military dictatorship in the 1960s and 1970s. Some 60 young soldiers were killed during the coup d'état which overthrew the military dictatorship in February 1989.

992. The instruments of humanitarian law ratified by Paraguay have been cited above.

993. Article 144 of the Constitution is clear on this point:

> "The Republic of Paraguay renounces war but supports the principle of legitimate self-defence. This statement is compatible with Paraguay's rights and obligations as a Member of the United Nations and of the Organization of American States or as a party to integration treaties".

994. Article 145 continues:

> "The Republic of Paraguay, on an equal footing with other States, accepts a supranational legal order which safeguards human rights, peace, justice, cooperation and development in political, economic, social and cultural affairs. This decision may be taken only by an absolute majority of each Chamber of the Congress".

124. Please indicate all the measures taken pursuant to article 38, paragraph 2, including of a legislative, administrative or other nature, to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities. In this regard, reports should also indicate the measures adopted to ensure and protect the rights of the child during hostilities. Information should also be provided on any mechanism established to monitor this situation. When relevant, indication should also be given of the proportion of children participating in hostilities, including by age, gender and social and ethnic origin.

995. The Paraguayan State maintains compulsory military service as a recruitment policy at the other-ranks level in the armed and police forces. Under Act No. 569/75 on compulsory military service all male Paraguayans are obliged after the age of 18 years to perform one year's service unless exempted on one of the grounds specified in the Act.

996. Although the Act establishes 18 years as the minimum age for performing this service, in practice recruitment takes place earlier than the minimum age, sometimes of 14-year-olds. This makes it difficult to specify a proportion of the population performing compulsory military service.

997. To give some idea of this proportion, the 1992 population and housing census put the figure at 180,173. However, according to armed forces and police figures every year some 23,275 young men perform service as conscripts, but this is presumably an overestimate of the true number of conscripts. (Source: NGO publication on human rights in Paraguay, 1996.)

998. The Constitution provides that in the event of a conflict of rules the rights of the child shall prevail.

999. It can be concluded by interpretation that although in peace time military recruitment takes place from age 18, or even 15 in practice, in the event of hostilities children under 15 will not have to take part.

125. Please indicate the measures adopted pursuant to article 38, paragraph 3, including of a legislative and administrative nature, to ensure that no person who has not attained the age of 15 years is recruited into the armed forces, as well as to ensure that, in recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, priority is given to those who are oldest. In this regard, reports should also indicate any mechanisms established to monitor this situation, as well as the proportion of children being recruited or voluntarily enlisted into armed forces, including by age, gender, and social and ethnic origin.

1000. Article 129 of the Constitution ("On compulsory military service") states:

> "Every male Paraguayan has an obligation to undergo training and to assist in the armed defence of the Fatherland.
>
> Compulsory military service shall be established for this purpose. The law shall regulate the conditions for the performance of this duty.
>
> Military service shall be performed with full dignity and respect for the person. In peace time it shall not exceed 12 months.
>
> Women shall not perform military service except as auxiliaries, when needed, during an international armed conflict.
>
> Anyone stating a conscientious objection shall perform service of benefit to the civilian population through assistance centres designated by law and under civil jurisdiction. The regulation and exercise of this right shall not be punitive in nature or impose heavier burdens than those established for military service.
>
> Personal military service not stipulated by law or for the benefit or profit of private individuals or entities is prohibited.
>
> The law shall regulate the contribution of foreigners to the national defence".

1001. The Executive has issued a Decree prohibiting the enlistment of persons aged under 18 years in the armed forces.

1002 On 25 March 1998 the Government made a commitment to the Inter-American Commission on Human Rights in the case of Victor Hugo Maciel Alcaraz, a commitment which will eventually improve the working of the system of compulsory military service in the following manner:

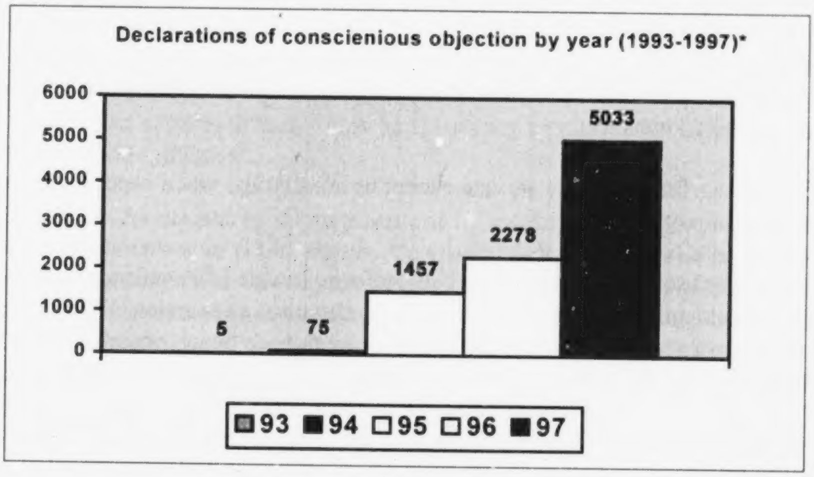
1. Cessation of forced recruitment;

2. Cessation of the acceptance of under-18s to perform compulsory military service except by judicial order. To this end it was suggested that a joint awareness-raising campaign should carried out by the Directorate for Military Recruitment and the Directorate-General for Human Rights aimed at the public in general and young men and parents in particular, concerning the importance of not performing military service before the age established by law.

1003. A special section on the armed forces will have to be included in the national budget to fund the organization and establishment of a basic and effective medical examination service for conscripts. It may be possible to secure international cooperation for the start-up of this service in order to cover the expenditure until this new section is included in the budget.

1004. Since 1996 a number of bills on conscientious objection have been submitted to the Human Rights Committee and the Constitutional Affairs Committee of the Chamber of Deputies. Following lengthy debate, analysis and study by the Chamber of Senators and by the lower Chamber a bill was passed on 9 October 1997 as Act No. 1145 and transmitted to the Executive for promulgation. But the Act was vetoed in its entirety by Decree No. 19003 of 12 November 1997 and sent back to the Congress.

1005. However, the lack of a piece of legislation to regulate conscientious objection does not impede the exercise of this right. Although there is no specifically established procedure, nothing prevents a person from applying to the courts for an injunction protecting his status of conscientious objector and exempting him from compulsory military service. The most common means of recourse are those established in the Constitution - habeas corpus and unconstitutionality. (Source: NGO publication on human rights in Paraguay, 1997.)



Source: Own tabulation based on statements made to the Human Rights Committee and the courts.

* Figures up to October 1997.

126. Please provide information on all the measures adopted pursuant to article 38, paragraph 4, and in accordance with the State's obligations under international humanitarian law to protect the civilian population in armed conflicts, including measures of a legislative, administrative, budgetary and other nature, to ensure the protection and care of children who are affected by an armed conflict.

1006. The only known measure is the commitment made to the Inter-American Commission on Human Rights described above.

127. In this regard, please indicate the relevant international humanitarian law applicable to the State, the criteria used to assess the feasibility of the measures adopted, the steps taken to identify and address the specific situation of children within the civilian population and to ensure respect for and protection of their rights, the measures adopted to ensure that

humanitarian assistance and relief programmes are promoted and put in place, including through the negotiation of special arrangements such as corridors of peace and days of tranquillity, as well as any relevant disaggregated data on the children concerned, including by age, gender, and national, social and ethnic origin. Where relevant, please also indicate the number of child casualties due to armed conflict, as well as the number of children displaced because of armed conflict.

1007. No answer can be given because there are no relevant measures, criteria or other information.

128. When providing information on the implementation of the provisions of article 38, please further indicate the respect ensure to the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, development and survival to the maximum extent.

1008. Provisions of the Constitution safeguard and accord precedence to the rights of the child. The application of the general principles of the Convention has been described throughout this report. For more details, please refer to the discussion under general guideline 25 et seq..

129. Please indicate all measures adopted pursuant to article 39 to:

- **Promote physical and psychological recovery and social reintegration of child victims of armed conflicts;**
- **Ensure that such recovery and reintegration takes place in an environment which fosters the health, self-respect and dignity of the child.**

1009. Paraguay has not experienced this situation in the past 50 years. No answer can therefore be given.

130. In this regard, reports should provide information inter alia on:

- **The policies and programmes developed, including at the family and community levels, to address the physical and psychological effects of conflicts on children and to promote their reintegration in society;**
- **The steps taken to ensure the demobilization of child soldiers and to prepare them to participate actively and responsibly in society;**
- **The role played by education and vocational training;**
- **The surveys and research undertaken;**
- **The budget allocated for them (at the national, regional, local and where appropriate at the federal and provincial levels);**
- **The number of children who received physical and/or psychological treatment as a consequence of armed conflict.**

131. Information should also be provided on the progress achieved on the implementation of articles 38 and 39, on any difficulties encountered and targets set for the future.

1010. There are no arrangements for evaluating the progress and difficulties.

B. Children involved with the system of administration of juvenile justice

1. The administration of juvenile justice (art. 40)

132. Please provide information on the legislative and other measures taken to recognize and ensure the right of every child involved with the system of the administration of juvenile justice (alleged as, accused of, or recognized as having infringed the penal law) to be treated in a manner:

- **Consistent with the promotion of the child's sense of dignity and worth;**
- **Which reinforces the child's respect for the human rights and fundamental freedoms of others;**
- **Which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society;**
- **Which ensures respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development to the maximum extent.**

1011. These rights are safeguarded by domestic positive law, from the Constitution through to the Juvenile Code, the Criminal Code and the Code of Criminal Procedure; the relevant articles are described throughout this report.

1012. In order to speed the legislative procedures, the procedural part of the Juvenile Criminal Justice Bill was incorporated in the new Code of Criminal Procedure, approved on 26 May 1998 and entering into force one year after its promulgation, and the substantive part was incorporated in the draft Children's Code.

133. With respect to article 40, paragraph 2, please indicate the relevant international instruments applicable in the area of the administration of juvenile justice, including at the multilateral, regional or bilateral levels, as well as legislative and other appropriate measures adopted to ensure in particular that:

1013. The following international instruments are applicable in the administration of juvenile justice:

> The United Nations Standard Minimum Rules for the Administration of Juvenile Justice/The Beijing Rules;
>
> The United Nations Guidelines for the Prevention of Juvenile Delinquency/The Riyadh Guidelines;
>
> The United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

1014. The Republic of Paraguay complies partially with these instruments. To illustrate the point we annex to this report a statistical study made by the Directorate for Criminal Policy and Criminology of the Attorney-General's Office, Defence for Children International and UNICEF, which underlines the failures to apply the principles contained in these international instruments.

- **No child shall be alleged as, accused of or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed**

1015. Article 14 of the Constitution ("On the non-retroactivity of the law") states: "No law shall have retroactive effect except when it is more favourable to the accused or convicted party".

1016. Furthermore, article 17.3 ("On procedural rights") states that "[no one] shall be convicted without first being tried on the basis of a law anterior to the facts and no one shall be tried by a special court".

1017. Article 1 of the Criminal Code, which will enter into force on 1 November 1998, states:

> "No one shall be punished by a court sentence or other measure unless the grounds for the liability to punishment for the conduct in question and the applicable penalty are expressly and strictly described in a current law which entered into force before the act or omission forming the basis for the punishment".

1018. Article 1 of the current Code of Criminal Procedure states: "Criminal proceedings may not be instituted except with respect to acts or omissions characterized as offences by an anterior law" (nullum crimen sine lege).

1019. Article 1 of the new Code of Criminal Procedure states:

> "No one may be convicted without a prior trial conducted on the basis of a law anterior to the facts in accordance with the rights and safeguards contained in the Constitution, current international law, and the rules of this Code.
>
> The proceedings shall be conducted in particular in accordance with the principles of oral, public and prompt hearings, adversary procedure, economy and avoidance of delay in the form prescribed by this Code".

1020. In practice, there have been no cases of children accused of acts or omissions not addressed by and punishable under an anterior law.

- **Every child alleged as or accused of having infringed the penal law has at least the following guarantees, indicating, where relevant, additional guarantees provided to the child:**

- **To be presumed innocent until proven guilty according to law**

1021. Article 17.1 of the Constitution ("On procedural rights") states: "In criminal proceedings, or in other proceedings which may give rise to a conviction or penalty, everyone has the right: (1) to be presumed innocent".

1022. Article 4 of the new Code of Criminal Procedure states:

> "The accused shall be presumed innocent and shall be regarded as innocent throughout the trial until declared guilty in a firm sentence.
>
> No public authority shall present an accused person as guilty or furnish to the communication media any information about him implying guilt. Only objective information about the acts of which the accused person is suspected shall be permitted once the trial has begun. The court shall

restrict the participation of the communication media if widespread publicity may prejudice the normal conduct of the trial or exceed the limits of the right to obtain information".

1023. There is no record of a failure to presume innocence before testing the accused's guilt. But pre-trial detention is not an exceptional occurrence but rather a widespread and continuing practice.

1024. Children are usually arrested before their innocence or guilt is investigated. Most of the children detained in prison have not been convicted by a court, and they may even be released following a denial by compurgation without knowing whether they are innocent or guilty of the offence alleged against them.

- **To be informed promptly (indicating any time-limit fixed by law) and directly of the charges against him or her and, if appropriate, through his or her legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence; in this regard, please indicate what other appropriate assistance may be made available to the child**

1025. Article 17 of the Constitution ("On procedural rights") states:

> "[Everyone] may conduct his own defence or be assisted by defence counsel of his choice:
>
> (6) [...] the State shall provide him with a defence counsel free of charge if he does not have the economic means to pay for counsel;
>
> (7) [...] he shall be informed of the charge in detail before the trial and shall be provided with the necessary copies, means and time for the preparation of his defence under conditions of free communication".

1026. In addition, article 296 of the Juvenile Code states:

> "Once the proceedings have begun, the judge shall hear a statement from the child on the charge brought against him, together with any depositions on aspects of his personality which may have influenced his conduct".

1027. In order to obtain a picture of the true situation of Paraguayan children in conflict with the law, statistical data are included here on the national total of under-18s deprived of their liberty, as supplied by the judicial departments of the prisons and collected by the Directorate for Criminal Policy and Criminology from December 1997 to April 1998.

1028. All the data on this topic, throughout the report, are taken from the research carried out by these judicial departments.

1029. Out of a total of 87 children interviewed, 24 answered "yes" and 54 answered "no" when asked whether they had been informed of the grounds for their detention; nine did not know. Twelve answered "yes" and 59 "no" when asked whether their families had been informed immediately. Seven answered "yes" and 75 "no" when asked whether they had been informed of their right to be assisted by counsel; five did not know. And four answered "yes" and 77 "no" when asked whether they had been informed of their right to remain silent; six did not know.

1030. To sum up, legislation does exist but it is not fully applied.

- **To have the matter determined without delay (indicating any time-limit fixed by law) by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance (indicating what other appropriate assistance may be made available to the child) and, unless it is considered not to be in the best interests of the child, in particular taking into account his or her age or situation, in the presence of his or her parents or legal guardians**

1031. The Juvenile Code states:

> "Article 297. The investigation of crimes, misdemeanours and other wrongful conduct attributed to juveniles shall be completed within a peremptory period of 30 days, during which the judge shall gather all information pertaining to the facts and take all the procedural steps proposed by the parties, provided that he does not deem them unnecessary.
>
> Article 299. The duration of the period for submission of evidence shall be indicated by the judge in each case in accordance with the needs of the investigation.
>
> Article 300. If the investigation is not completed within the period of 30 days specified in article 297, the judge shall communicate this fact immediately to the Supreme Court of Justice, informing it of the reasons for the delay, and he shall terminate the proceedings within a period not exceeding 15 days.
>
> Article 301. Courts shall hand down their decisions within 10 days of the date of termination.
>
> Article 302. Special appeals and annulment appeals may lodged against decisions within three days. Appeals shall always be granted only with devolutive effect.
>
> Article 304. The following persons shall participate in the proceedings: the representative of the Public Prosecutor, the counsel assisting the juvenile at his request or at the request of his parents, guardians or foster parents, who may also attend if the judge deems it appropriate, and the assistant inspector responsible for the juvenile.
>
> Article 305. The judge shall ensure that a juvenile may make any statements he may wish in his defence or in explanation of the facts, and that the necessary steps shall be taken immediately to verify such statements, provided that the judge deems such steps pertinent.
>
> Article 310. The judge shall caution [any person] who does not behave during a hearing in a manner consistent with the nature of the proceedings. If the offence is repeated, following the same procedure the judge may exclude the person from the hearing, without prejudice to the disciplinary measures provided by law".

1032. The current Code of Criminal Procedure contains articles applicable to the general population, while article 427 of the new Code refers to juvenile proceedings in the following language:

> "Special rules. In the investigation and prosecution of punishable offences when a person aged between 14 and 20 years inclusive is alleged to be a perpetrator or participant, the proceedings shall be conducted in accordance with the Constitution, current international law, and the ordinary rules contained in this Code, and in particular in accordance with the rules set out below.
>
> 1. Purpose of the prosecution and investigation. The purpose of the prosecution of a juvenile is to verify the existence of an act or omission deemed to be an offence or

crime in ordinary criminal law, to identify the perpetrators or participants, and to order the application of the corresponding measures.

2. Verification of age. The age of a juvenile shall be verified from his birth certificate, but in the absence of this certificate the juvenile criminal court shall rule on the basis of an expert opinion given by an accredited forensic doctor or by two doctors exercising their profession. A forensic psychologist shall also participate in the expert examination and add his conclusions to the opinion. The opinion must be reached and delivered within a period not exceeding 72 hours from the notification of the order calling for an expert opinion.

3. Statement by the juvenile. The juvenile shall be interviewed by his counsel before the hearing. The juvenile's statement shall be made before the judge and in the presence of the officially appointed defence counsel or personal defence counsel, if any; the competent prosecutor may make a statement. No juvenile shall be questioned by police authorities about his involvement in the facts under investigation. Failure to observe this provision shall entail the nullity of the proceedings.

4. Detention and release. A juvenile may be kept in pre-trial detention only when he was caught in flagrante delicto or pursuant to a written judicial order.

   Immediate decision on liberty. When a juvenile caught in flagrante delicto is brought before a judge, the judge shall immediately rule on his detention or release or order the application of some provisional measure if necessary, without prejudice to the continuation o[illegible]vestigation by the Public Prosecutor.

   Provisional meas[illegible] the basis of the details of the investigation and following the statement by th[illegible] the judge shall decide whether any provisional measure should be imposed.

5. Participa[illegible]e jurisdictional organs and the public prosecution and defence agencies pa[illegible] in these proceedings shall be those having the corresponding competence and jurisdiction and they shall appear in accordance with the rules established by this Code for the organs created.

6. Form of trial. The trial shall take place behind closed doors except when the accused or his legal representative require it to be held in public.

7. Participation of parents or other parties having a legitimate interest. The juvenile's parents or persons who have had him in their care, foster care or guardianship may attend the court and take part in the juvenile's defence.

8. Social/environmental investigation. An investigation of the juvenile shall be conducted under the direction of an expert, who shall report during the proceedings.

9. Compulsory separation. The separation of the proceedings provided for in this Code shall be compulsory.

1033. The statistics indicate that in only 29 of the 87 cases (33%) examined in this study did the police authorities in fact observe the legal requirement to bring the detainee before a judge within the time-limit of 24 hours; in 54 cases (62%) the detainees were brought before a judge after expiry of the time-limit; in 38 cases (44%) they were not given access to the judicial system until the week following their arrest; and in none of the cases was there a conviction or acquittal during the period of the study. The reasons for these delays are not yet known, but some possibilities have been discussed - such as police ignorance and negligence or complicity on the part of prosecutors, judges or counsel.

1034. These failures violate articles of the Constitution, the Code of Criminal Procedure, the National Police Act (No. 222), the Beijing Rules, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, as well as express provisions of the Juvenile Code.

- **Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality**

1035. Article 18 of the Constitution ("On restriction of statements") states:

> "No one shall be obliged to make a statement against himself or herself, against his or her spouse or the person with whom he or she is united by a de facto marriage, or against his or her relatives within the fourth degree of consanguinity or second degree of affinity inclusive.
>
> The unlawful acts or the disgrace of the accused shall not affect their relatives or persons close to them".

1036. Article 233 of the Code of Criminal Procedure ("On admissibility of testimony") states:

> "The judge in the pre-trial proceedings shall accept statements from any person indicated by those participating in the proceedings or who believes himself to have knowledge of the facts which are being investigated or verified.
>
> If any of the witnesses expressly indicated is not heard, the grounds or reason for the omission shall be recorded".

1037. Article 236 ("On the capacity to make statements"), which establishes 14 years as the minimum age for making statements, reads: "Evidence may be given by any person who, being in full possession of his mental faculties, has knowledge of the facts giving rise to the proceedings and is not barred by a legal prohibition".

1038. Article 203 of the new Code of Criminal Procedure states: "All persons shall be obliged to comply with a judicial summons and declare the truth of whatever knowledge they may have and to be questioned about it, except in the special cases established by law".

1039. Article 205 states: "Children aged under 14 years and therefore of de facto incapacity may refrain from making statements and may make their decision known through a legal representative".

1040. This Code does not establish an age from which testimony may be given, referring instead to "All persons". This would imply that children aged under 14 years may be permitted to testify, depending on their degree of maturity. Furthermore, under article 205 such children are entitled to refrain from testifying.

1041. Article 305 of the Juvenile Code states:

> "The court shall ensure that a juvenile may make any statements he may wish in his defence or in explanation of the facts, and that the necessary steps shall be taken immediately to verify such statements, provided that the court deems such steps pertinent".

1042. There have not been any cases in which children have been obliged to confess their guilt; they may call witnesses but the questioning is conducted by the judges.

1043. It may be pointed out for purposes of illustration that the study mentioned above of the time elapsed between the submission of a case to a judge and date of the accused's statement to the judge (judicial delay) produced the following results: 23 of the 87 juveniles (27%) under prosecution (i.e. a minority of them) had their statement set for a date within 48 hours of the time when they were brought before a judge by the police authorities. Nineteen (22%) had to wait a week, 22 (26%) a month, and 16 (18%) more than a month; in three cases (3%) no date was set; and in a further three cases there were no pre-trial examination proceedings. These omissions violate article 12.5 of the Constitution, which stipulates the right of all persons to be brought before a competent judge within 24 hours in order that the judge may make the necessary legal dispositions. They also violate articles of the Juvenile Code, the Code of Criminal Procedure, the Convention on the Rights of the Child, the Beijing Rules, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

- **If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law**

1044. Article 16 of the Constitution ("On defence in a court of law") states:

> "The right of all persons to defend themselves and their rights in a court of law is inviolable. Everyone has the right to be tried by competent, independent and impartial courts and tribunals".

1045. Article 2 of the current Code of Criminal Procedure states:

> "Nobody shall be tried by special courts. The power to apply the law in criminal cases and to hand down and enforce sentences rests exclusively with the corresponding ordinary courts and tribunals".

1046. Article 3 of the new Code states:

> "The courts shall be independent and act without any outside interference, in particular interference by the other elements of the Judiciary or the other powers of the State.
>
> In the event of interference in the exercise of its functions, a court shall report the facts affecting its independence to the Supreme Court of Justice. If the interference comes from the Supreme Court itself or from one of its judges the report shall be sent to the Chamber of Deputies.
>
> In reaching their decisions the courts shall assess the circumstances either favourable or prejudicial to the accused with absolute impartiality".

1047. It is unlikely that there is any effective control of the actions of the courts. Cases are never referred a higher court as a result of ordinary appeal proceedings because no rulings to that effect are made.

1048. Nor can there be any control during the proceedings because the defence provided by counsel - which is free - is inefficient and intermittent.

- **To have the free assistance of an interpreter if the child cannot understand or speak the language used**

1049. Article 12.4 of the Constitution states that "[all arrested persons] shall be provided with an interpreter if necessary".

1050. Article 209 of the current Code of Criminal Procedure states:

> "Translator: language expert. If the accused does not understand the national language, he shall be examined through an interpreter, who shall swear on oath that he will perform his functions faithfully and well.
>
> The interpreter shall be appointed from among the persons qualified as such if any are to be found in the place where the statement is taken. Failing that, an expert in the language in question shall be appointed".

1051. Article 7 of the new Code states:

> "The accused is entitled to an interpreter to assist him with his defence. If the accused does not understand the official languages and does not exercise his entitlement to an interpreter, the court shall appoint an interpreter on its own motion in accordance with the rules established for the appointment of public defence counsel".

1052. According to the findings of the study already cited above, three of the 87 adolescents (3.4%) were Indians and, although needing interpretation because they could not speak Spanish, did not have an interpreter in attendance at the time of their pre-trial statements, while in two other cases (an Indian and a Brazilian) this right was exercised and the legal advantage enjoyed.

- **To have his or her privacy respected at all stages of the proceedings.**

1053. The Juvenile Code does not refer expressly to this right. But it does state in article 304:

> "The following persons shall participate in the proceedings: the representative of the Public Prosecutor, the counsel assisting the juvenile at his request or at the request of his parents, guardians or foster parents, who may also attend if the court deems it appropriate, and the assistant inspector responsible for the juvenile".

1054. However, the last paragraph of article 4 of the new Code of Criminal Procedure states:

> "No public authority shall present an accused person as guilty or furnish to the communication media any information about him implying guilt. Only objective information about the acts of which the accused person is suspected shall be permitted once the trial has begun. The court shall restrict the participation of the communication media if widespread publicity may prejudice the normal conduct of the trial or exceed the limits of the right to obtain information".

1055. Paragraph 6 of article 427 of the new Code, relating to the procedure for children, states that the hearing shall be held behind closed doors unless the accused or his legal representative require the hearings to be public.

1056. This principle is respected only in part, for in cases of juveniles in conflict with the justice system some if not most of the members of the press go to the scene of the facts to extract information. They take full-face photographs of alleged juvenile delinquents and publish their names as well; the result is that such children are usually found guilty by unscrupulous journalists even before the examining judge has begun the preliminary proceedings. The press is clearly unaware of the need to respect privacy and it is even less aware of the higher interests of the child. Although this situation is common, to date no media agency has had its attention drawn to it or been warned by the governmental authorities.

1057. The overcrowded conditions in which juveniles live in the prisons constitutes a further violation of this right.

134. Please indicate the measures adopted pursuant to article 40, paragraph 3 to promote the establishment of laws, procedures, authorities and institutions specially applicable to children alleged as, accused of, or recognized as having infringed the penal law, providing information inter alia on the areas addressed by legislation and procedures, as well as the functions, number and distribution throughout the country. Reports should in particular indicate the measures adopted to ensure a child-oriented system, including:

- **The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law**

1058. Article 219 of the Juvenile Code states:

> "Children aged under 14 years may not be charged with offences. This means that if they are alleged to have committed an offence they may not be prosecuted and punished by the ordinary courts. All such cases shall be dealt with by the juvenile courts, and the rules established in this Code shall apply".

1059. According to information taken from the document "Juveniles in conflict with the law: approach to their problems in connection with the police, the courts, and deprivation of liberty, under political conditions of a transition to democracy" (report of an exploratory investigation based on field work by Gloria Franco Pérez and a team from the Office of the Public Prosecutor, the Directorate for Criminal Policy and Criminology, UNICEF and the NGO Defence for Children International, June 1998, in Spanish only). The following findings may be cited: three of the children interviewed (aged between 14 and 16) were undergoing disciplinary correction; 11 children aged 14 at the time of the study were involved in criminal proceedings; three of the children were barely 13 years old, i.e. under article 219 of the Juvenile Code they could not be prosecuted; and eight children had reached the age of 14. This was a clear violation of article 294 of the Juvenile Code, which stipulates that preventive detention shall not be imposed on children under 14.

1060. In the criminal cases 21 of the children interviewed were 15 years old, 11 were 16, and 23 were 17. This means that 55 (61%) were technically juveniles and had not reached the age of majority.

1061. In the other 21 cases (the remaining 23.3%) the age distribution was as follows: 18 years - 12; 19 years - six; and 20 years - three. The most dangerous ages were therefore 15 (21 cases), 16 (13 cases) and 17 (23 cases), which together with the 12 eighteen-year-olds makes a total of 69 cases (77%).

- **Measures taken for dealing with such children without resorting to judicial proceedings, and to ensure that in such cases human rights and legal safeguards are fully respected, indicating the situations in which such a system applies and relevant procedures established for that purpose**

1062. Article 232 of the Juvenile Code deals with children (such as abandoned children and children in danger) who cannot be prosecuted. It states:

> "The juvenile correctional court may order the following measures:

(a) Return of the child to his parents, guardians or foster parents with a caution;

(b) Return of the child to his parents, guardians or foster parents, or to other legally responsible persons or to third parties under the supervision of an assistant inspector;

(c) Placement of the child to the care of a some other person so that he may continue to live in a family; special attention must be paid to ensuring that the person in question satisfies the requirements of honesty, good habits, and capacity to manage the child's upbringing;

(d) Placement of children aged at least 12 years for a period of not more than two years in a special re-education establishment or in some other institution deemed suitable for the child;

(e) Revocation or modification of any of the measures ordered if such action is deemed best for the child.

1063. Generally speaking, however, measures other than deprivation of liberty are not applied.

1064. Article 51 of the draft Children's Code states:

> "Measures for the protection of children shall be taken whenever their recognized rights are threatened or violated (a) by an act or omission of society or the State, (b) by a failure, omission or abuse on the part of the parents or legally responsible guardians or by reason of their conduct".

1065. Article 52 refers to the measures to be taken, separately or jointly: (a) warnings to the persons responsible for a child in the form of declarations of responsibility; (b) temporary counselling, support and monitoring of the child and his family; (c) requests for medical, psychological or psychiatric treatment on an in-patient basis, for treatment of drug or alcohol abuse, for a foster family, or for institutional care. The latter measure is one of a provisional and exceptional nature under which a child is placed in an institution for his care and support. It is provisional until the child is placed in a foster family and in no circumstances does it imply the loss or restriction of the child's liberty.

135. Please indicate the variety of dispositions made available pursuant to article 40, paragraph 4, including care, guidance and supervision orders, counselling, probation, foster care, education and vocational training programmes and other alternatives to institutional care, to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

1066. The Juvenile Code has a section on probation. Its articles 244 to 249 state:

> "If the correctional court deems fit, it may make a probation order in respect of children coming under its jurisdiction as a result of the commission of offences established and punishable by law.
>
> The probation system shall be operated by assistant inspectors.
>
> Children placed on probation may not leave the national territory without the authorization of the court which made the order.

> If a child subject to a probation order has to change his residence within the national territory, his parents, guardians, foster parents or other legally responsible persons shall so inform the court which made the order, so that the same arrangement may be continued at the new residence.
>
> The continued supervision under a probation order of a child who has changed his residence shall be effected by an assistant inspector or, if this not possible, by a justice of the peace, who shall be authorized to supervise the child or to designate persons whom he deems suitable for this purpose.
>
> During the period of probation the court, by a motion not subject to appeal, shall take the necessary steps and instruct the inspectors to monitor the conduct of the children in question, without prejudice to the inspectors' duty to work on their own initiative".

1067. The probation system is operated by assistant inspectors, who must, in the terms of article 250:

> "(a) Visit the children in their homes at appropriate intervals in order to ascertain their conduct and education, the circumstances of the environment in which they are living, and the fulfilment of the duties of assistance and protection by the parents, guardians or foster parents;
>
> (b) Carry out the necessary investigations to obtain information about a child's conduct and about his family. Persons questioned by an inspector are obliged to supply truthful information, subject to a fine of 15 to 30 days' minimum wages; and
>
> (c) Check for any circumstance which may place the child in moral or physical danger and, if urgent action is needed, immediately inform the court".

1068. The measures stipulated in the current Juvenile Code are not applied in practice.

1069. Paragraphs (g) and (h) of article 52 of the draft Children's Code ("On measures to be applied") refers to fostering or institutional care for children whose rights are threatened or violated, under article 51, by an act or omission of society or the State or of their parents or legally responsible guardians or by their conduct.

1070. Article 53 states: "The measures envisaged in the preceding article may be applied separately or jointly or replaced by each other at any time in the light of the best interests of the child".

1071. Article 54 states:

> "Institutional care is a provisional and exceptional measure under which a child is placed in an institution for his care and support in order to ensure that he receives proper attention. This measure is applied provisionally until the child is placed in a foster family and in no circumstance does it imply the loss or restriction of the child's liberty".

1072. According to the findings of the study referred to earlier (Gloria Franco Pérez), there have been cases of children who, by reason of the type of offence committed, should not be subjected to judicial proceedings. However, children were found "placed" in several detention centres without anyone being able to explain the significance of this measure. There were other cases of children charged with "running away from home", one case of an 11-year-old "placed" by court order because his mother maltreated him; this child did not attend lessons. There were also cases of children required to work in the homes of prison staff. For further details see the annex of the document (p. 10).

1073. Again according to this study, education facilities consisted of workshops, classrooms and plots for cultivation. Only nine of the detention facilities had education services for inmates, and five did not have any educational activities or facilities. Two of them had one educational facility, four had two facilities, two had three facilities, and only one had four.

1074. There was a general educational deficit, so that it was difficult to arrange the best of leisure and training activities. Out of the nine detention centres with educational facilities, nine had classrooms, six had workshops, and four had plots for cultivation.

1075. The other facilities available to detained children included:

> Food: most of the detention centres (nine) had a dining room and kitchen, and a further four had only a kitchen; in total 13 had kitchens, and one had other facilities. Most of the centres served breakfast, lunch and supper. Three of them also served afternoon tea, and only one served just breakfast and lunch.
>
> Rest: all the centres had dormitories, most of them in good and the others in average condition, in the opinion of the researchers.
>
> Leisure: six of the centres had gardens and most (11) had sports grounds. Only two had neither of these facilities, and there was no information about one of the centres.
>
> Cells: Most (11) of the centres did not have individual cells; one used individual cells occasionally, and two all the time.

1076. Half of the detention centres had no selection criteria for placing prisoners in cells; three usually and only three always applied such criteria.

1077. Ten of the centres had staff with very good or acceptable qualifications. All had staff of university and baccalaureate standard. Five had staff with technical education, six with basic, and seven with primary.

1078. There was a marked deficit in staff training. Half (seven) of the centres had no training programmes, four ran such programmes occasionally, and only three permanently.

1079. One centre had no arrangements for assessing staff performance, for two there was no information, five made internal assessments, and one combined internal with external assessments.

1080. An investigation of the country's various prisons conducted by the Directorate-General for Human Rights of the Ministry of Justice and Labour produced the following conclusions:

(a) One of the causes of prison overcrowding and one of the major sources of injustice in Paraguay's penal system is the slowness of judicial proceedings;

(b) The overcrowding is compounded by the infrastructural deficiencies of the prisons, which make even a minimum of separation of convicted prisoners, prisoners awaiting trial, adults and juveniles impossible;

(c) The prison staff deficit, in terms both of quality (specific penal training) and of numbers.

1081. In view of this situation the Ministry of Justice and Labour, on the initiative of the Directorate-General for Human Rights, made an analysis of Paraguay's prisons (to be presented to international cooperation agencies) in conjunction with experts from Madrid's Carlos III University in order to devise strategies for prison reform and then to formulate policies and measures to improve prison administration. For more details see the annexed report "Estrategia para una reforma penitenciaria en Paraguay" (Strategy for prison reform in Paraguay).

136. Reports should further indicate the training activities developed for all professionals involved with the system of juvenile justice, including judges, prosecutors, lawyers, law enforcement officials, immigration officers and social workers, on the provisions of the Convention and other relevant international instruments in the field of juvenile justice, including the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

1082. According to the 1996 report of the Public Prosecutor's Office, training was provided for judiciary and other personnel on the following topics of juvenile criminal justice:

Conference on "Imprisonment as a tool of criminal policy: balance and prospects", 12 May 1995;

Conference on "Introduction to criminal law applicable to children and young people", 16, 19 and 20 June 1995;

"Young people in conflict with the law and protection of privacy", 7 September 1995;

"Administration of justice from the gender standpoint". Panel debate with the Secretariat for Women, 12 October 1995;

"Young people in conflict with the law". Awareness meetings held with UNICEF support in Coronel Oviedo, Pedro Juan Caballero, Encarnación and Caaguazú, October-December 1995;

"Prison situation in Paraguay", an event organized by the Paraguayan Foundation for Reform of the State, the Institute for Comparative Studies in the Penal and Social Sciences and USAID, 17 December 1996.

1083. Neither immigration officials nor prison staff have any knowledge of the Convention or of other international instruments relating to children.

1084. However, judges do invoke, in addition to provisions of the Convention, the Beijing Rules, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Riyadh Guidelines.

137. Relevant information should also be provided on the progress achieved in the implementation of article 40, any difficulties encountered and targets set for the future, as well as disaggregated data on the children concerned, inter alia by age, gender, region, rural/urban area, national, social and ethnic origin, offence and disposition made available.

1085. Both the progress and the difficulties have already been described in earlier sections by reference to the study on children in conflict with the justice system.

2. Children deprived of their liberty, including any forms of detention, imprisonment or placement in custodial settings (art. 37 (b)-(d)

138. Please indicate the legislative and other measures adopted pursuant to article 37 (b) to ensure that:

- **No child is deprived of his or her liberty unlawfully or arbitrarily**

1086. Article 12 of the Constitution states:

> "No one shall be detained without a warrant in writing from a competent authority, unless he is caught in flagrante delicto and the offence in question carries a prison sentence. Everyone has the right:
>
> 1. To be informed at the time of the grounds for his detention and of his right to remain silent and to be assisted by a counsel whom he trusts. The authority making the arrest must produce the written warrant.
>
> 2. To have his family members or other persons indicated by him immediately informed of his arrest.
>
> 3. To be allowed free communication unless, by way of exception, he is held incommunicado by order of a competent judicial authority. Such an order shall not apply to his defence counsel and in no case may it exceed the period prescribed by law.
>
> 4. To have an interpreter, if necessary;
>
> 5. To be brought before a competent judge within 24 hours of his arrest so that the judge may make the appropriate legal dispositions".

1087. Article 427.4 of the new Code of Criminal Procedure states:

> "A juvenile may be kept in pre-trial detention only when he was caught in flagrante delicto or by virtue of a written judicial order. When a juvenile caught in flagrante delicto is brought before a judge, the judge shall immediately rule on his detention or release or order the application of some provisional measure if necessary, without prejudice to the continuation of the investigation by the Public Prosecutor. On the basis of the details of the investigation and following the statement by the juvenile, the judge shall decide whether any provisional measure should be imposed".

1088. With regard to statistics on the exercise of these rights, reference is made to the document cited earlier, from which the following points can be inferred.

1089. With regard to detention before or during the pre-trial proceedings or as a result of in flagrante arrest, 56 of the 87 cases involved arrest or detention without a judicial order (i.e. no preliminary proceedings had been conducted by an examining magistrate) and none of the persons concerned had been caught in flagrante delicto; accordingly, the arrest or detention was arbitrary. This situation obtained in no fewer than 64.36% of the cases examined, and it must be borne in mind that the study covered juveniles of both sexes. In only 17 of the cases (19.54%) did the detention begin after preliminary proceedings, and 14 of the cases (16.1%) involved in flagrante arrest.

1090. The grounds for detention were as follows: 39 cases of offences against property, eight against physical integrity, six against life and property, and three "in a state of danger" (no statement of grounds); one case of cocaine possession and dealing; four cases of offences against public decency; and three cases of offences against physical integrity and property.

1091. The statistics refer only to juveniles deprived of their liberty on criminal grounds; the cases involving non-criminal grounds offer the most serious examples of illegal or arbitrary deprivation of liberty, especially the cases involving "disciplinary measures", in which not even the judges play a role.

- **The arrest, detention or imprisonment of a child is in conformity with the law and is used only as a measure of last resort and for the shortest appropriate period of time**

1092. The Juvenile Code does not contain a provision specifically safeguarding this right, but article 294 states:

> "Pre-trial detention shall not be imposed on children under the age of 14 years, who shall remain in the custody of their parents, guardians or foster parents unless they are in a physical or moral danger. In the latter case the judge may order them to be placed in an establishment intended for the care of children or in the custody of other persons, whether or not relations".

1093. Article 427.4 of the Code of Criminal Procedure, as mentioned in the preceding section, stipulates that a juvenile shall be deprived of his liberty before trial only by a written judicial order or if caught in flagrante delicto.

1094. According to the data contained in the document produced by the Directorate for Criminal Policy and Criminology, referred to repeatedly above, a comparative study of compliance with the United Nations Rules for the Protection of Juveniles Deprived of their Liberty shows that:

1095. Paraguay is one of the countries holding the most prisoners without trial, but it has few convicted juveniles in its prisons because most of the detained juveniles are in pre-trial detention; this implies that pre-trial detention is used not as an exception but as the rule.

- **The general principles of the Convention are respected, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible.**

1096. The report is clear throughout on this point: little or no attention is paid to the general provisions of the Convention.

139. Reports should also indicate the existing alternatives to deprivation of liberty, the frequency with which they are used and the children concerned, including by age, gender, region, rural/urban area, and social and ethnic origin.

1097. The alternatives to deprivation of liberty include placement with a family. Article 252 of the Juvenile Code states:

> "A juvenile judge may order family placement if the child is in a state of abandonment or danger or is exhibiting irregular behaviour and his parents cannot offer sufficient safeguards of his supervision, care and correction".

The Code also regulates probation and supervision, as discussed under guideline 135 above.

1098. The draft Children's Code establishes specific protection measures such as institutional care, which is a provisional and exceptional measure under which a juvenile is placed in an institution intended for the care and support of children so that he will receive proper attention. This measure may be imposed provisionally until the juvenile is placed in a foster family and under no circumstances does it imply the loss or restriction of his liberty.

1099. The statistics on children who are not subject to prosecution but are being held in detention are discussed above under section 135. There is no information, other than the data given under section 135, about the frequency of the use of alternatives to deprivation of liberty.

140. Information should also be given on the measures and mechanisms established to:

- **Prevent the deprivation of liberty of children, including through arrest, detention and imprisonment, inter alia in relation to asylum seekers and refugees**

1100. Article 484 of the Code of Criminal Procedure provides that sentences of deprivation of liberty for a specific period must state expressly that the sentence shall run from the day on which the convicted person was detained.

1101. In cases of suspension from functions the sentence shall also run from the day on which the convicted person was suspended from his post.

1102. Article 402 of the new Code of Criminal Procedure states:

> "The sentence shall state precisely the corresponding penalties and, where necessary, shall order the suspension of the sentence and the obligations which the convicted person must fulfil.
>
> It shall specify the date on which the sentence ends, according to the case.
>
> It shall also specify the time-limit by which a fine must be paid; whenever possible, sentences and penalties shall be combined.
>
> The sentence shall also contain a ruling on costs and on the delivery of confiscated items to the person whom the court deems has the best entitlement to their possession, without prejudice to proceedings in the civil courts. It shall rule on the confiscation and destruction envisaged in the law and shall transmit a copy of this ruling to the public institution with which the convicted person must deal in such matters and to the Supreme Court of Electoral Justice".

1103. Indeterminate sentences are available and are imposed for the so-called "state of danger and other grounds".

- **Monitor the situation of the children concerned, including through an independent mechanism**

1104. The legislation does not provide for the monitoring of the children concerned, but the Directorate-General for Human Rights intends to sign an agreement, at the request of the Inter-American Commission on Human Rights, with the American University and the law faculty of Nuestra Señora de la Asunción Catholic University for students in the last year of the law course to give legal assistance to extremely poor children in the Coronel Panchito López reformatory, with the award of a two-month stay at the American University for the most outstanding students.

1105. The Directorate-General has carried out this kind of monitoring, to the extent possible; in March this year it visited all the prisons in the eastern region of the country in order to ascertain the situation of the prisoners and to make recommendations to the prison governors based on the principles contained in international instruments such as the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. It must be pointed out that the intended beneficiaries have absolutely no knowledge of such rules.

- **Monitor progress, identify difficulties and set goals for the future.**

1106. One of the age-old difficulties in prisons is the lack of funds to provide better facilities; another is the absence of comprehensive rehabilitation programmes. The education provided amounts to one basic literacy programme and instruction in a number of occupations. There is no programme for social reintegration or for finding decent jobs, and there is no post-release supervision to prevent recidivism.

141. In this regard, information should further be provided on the number of children deprived of liberty, unlawfully, arbitrarily and within the law, as well as on the period of deprivation of liberty, including data disaggregated by gender, age, region, rural/urban area, and national, social and ethnic origin, and the reasons for such deprivation of liberty.

1107. Details of the number of children deprived of their liberty unlawfully or arbitrarily have been given above. There follows a list of numbers of inmates by prison supplied by the governors of the prisons visited by the Directorate-General for Human Rights. Further data could not be obtained because the prisons did not have any to offer.

Casa del Buen Pastor women's reformatory: 35 young women aged 14 to 19 with few resources and from poor social backgrounds; 70% from rural and 30% from urban areas.

Ciudad del Este regional prison: 73 Paraguayan juveniles and six Brazilians and nine Indians.

Juana María de Lara regional prison (Ciudad del Este): seven female juveniles.

Coronel Oviedo regional prison: 18 male juveniles and four young women.

Misiones regional prison: three young men.

Villarica regional prison: seven young men.

Coronel Panchito López juvenile reformatory: 302 juveniles aged 14 to 19.

1108. The commonest reasons for detention are robbery and murder, bodily harm, drug possession and dealing, rape, cattle rustling, death threats, domestic abuse, and armed assault. The other reasons for detention are covered by the category "Children in a state of danger and/or abandoned children".

142. Please indicate the legislative and other measures adopted pursuant to article 37 (c) to ensure that any child deprived of liberty is treated:

- **With humanity and respect for the inherent humanity of the human person;**
- **In a manner which takes into account the needs of persons of his or her age.**

1109. These rights have already been discussed under general guideline 132.

143. Reports should also provide information on the measures adopted and arrangements made to ensure that:

- **The child deprived of liberty is separated from adults unless it is considered in the best interests of the child not to do so**

1110. Article 295 of the Juvenile Code states: "Police officers and institutions of detention are prohibited from allowing contact between juveniles and adults".

1111. Data on the housing of prisoners taken from the study cited earlier show (a) that hardly any of the detention centres separated persons awaiting trial from convicted prisoners and (b) that, according to the first-hand observation of the Directorate-General for Human Rights, some of them did not keep juveniles separate from adults.

1112. The conclusions on the degree of compliance with the Riyadh Guidelines are (a) that most of the detention centres did not keep convicted prisoners separate from other inmates (93%) and (b) that most of them did not house juvenile inmates separately (78.6%).

- **The child has the right to maintain contact with his or her family through correspondence and visits (indicating the number of such contacts), save in exceptional circumstances, those circumstances being specified in the report**

1113. According to the study, 80% of the children are visited by family members, although most of the visits do not take place with the prescribed frequency (Tuesday, Thursday and Saturday) but only once a week, once a fortnight or once a month.

1114. Twenty-five per cent of the children receive no visits. The reason is that most of their parents and other family members live far away and are poor, so that they cannot make frequent visits. Many of them are not informed about their children's whereabouts, and others simply prefer to avoid contact with the prison.

1115. With regard to contacts between prison staff and inmates' families, none of the detention centres had a system of open access, this being understood to refer to centres having few or no security measures. In fact almost all of them (13) had a system of closed supervision, and only one (Instituto del Mañana) had a mixed system.

1116. Half of the detention centres had no systematic arrangements for contacts between prison staff and families. Six of those which did have such arrangements made weekly contact, and one monthly. Four of the detention centres maintained contacts with the family for the purpose of obtaining information about children and their families, and three of them did so for treatment purposes. Ten indicated other purposes, such as getting to know the family, assistance and maintenance of family links, informing the family about their child's legal situation, and persuading the family to cooperate in the child's adaptation to the institution and his social reintegration following release.

1117. In four of the centres the contacts with the family took the form of home visits, in one the radio was used, and in seven the telephone; eight of them took advantage of visits by family members, and one (Instituto del Mañana) arranged working meetings with family members.

1118. With regard to discipline and family contacts, half of the centres used sanctions not recommended by the United Nations: eight (57.1%) resorted to suspension of visiting rights.

- **The conditions in institutions in which children are placed are supervised and monitored, including by an independent mechanism**

1119. This point has already been covered under guideline 140: these institutions are not subject to any kind of supervision, and attention is drawn to the work of the Directorate-General for Human Rights in this connection.

- **Complaint procedures are made available to the child**

1120. According to the study conducted on the basis of interviews, in all the detention centres the governors were willing to see inmates wishing to make a complaint or request, but there were no systematic or organized complaint procedures or alternative arrangements.

1121. Most of the centres (nine) did not have any written regulations, and children were informed about the disciplinary system orally. Nor were they given copies of the list of authorities with which they could lodge complaints or of the public and private bodies from which they were permitted to obtain legal aid.

1122. As already mentioned, the punishments used are at variance with the United Nations recommendations: eight of the centres prohibited visits and 10 used solitary confinement.

- **A periodic review is made of the situation of the child and of the circumstances relevant to his/her placement**

1123. Seven of the 15 detention centres assessed inmates at the time of their admission, using the following kinds of indicators: seven recorded the family situation, level of education and psychological characteristics; six recorded social and legal status and any recidivism; and five recorded work and health status.

1124. With regard to the period over which the assessment was made, five of the seven centres took less than a month and only two more than a month.

1125. It is worrying that only two of the centres had arrangements to help inmates adapt to the institution and took a comprehensive approach to this matter.

1126. Very few (four) of the centres kept records of the monitoring of juveniles deprived of their liberty.

1127. One consequence of the failure to review the circumstances of placement is the high rate of recidivism. By way of example, according to a study in the Coronel Panchito López juvenile reformatory, 92 of the 302 inmates were re-offenders, for the second, third and even fourth time.

- **Education and health services are provided to the child**

1128. The education services include workshops for carpentry, iron-work, hairdressing, car repair, dressmaking, furniture-making, cooking, etc., as well as literacy and land-cultivation classes.

1129. Five of the detention centres did not have educational activities or facilities and nine did. Two of them had one educational facility, four had two, two had three, and only one had four. There is an overall deficit in the educational arrangements, so that it is difficult to provide the best of leisure or training activities. Of the nine centres with educational facilities, nine had classrooms, six had workshops, and four had plots for cultivation.

1130. Very few of the centres offered activities to make imprisonment more bearable. Although most of them had sports grounds, no sporting activities were organized.

1131. Most of the detention centres (12) had a medical service and 10 had a dental service, but the quality of these services is unknown, and medicines were in very short supply. For example, one of the juveniles interviewed commented that he was given an aspirin for severe throat pains.

1132. Other services provided included religious (11 centres), psychological and legal assistance (seven), and psychotherapeutic (six).

- **The general principles of the Convention are respected, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible.**

1133. It can be inferred from the study that little account is taken of the general principles of the Convention.

144. Please indicate the measures adopted pursuant to article 37 (d) to ensure that every child deprived of liberty has the right to:

- **Prompt access to legal and other appropriate assistance, indicating inter alia whether there is any legal time-limit for such access to assistance and what other appropriate assistance may be made available to the child**

1134. Again according to the study, out of the 87 cases of juveniles subject to criminal proceedings, 11 (13%) had no kind of legal assistance and seven (8%) received some kind of assistance from NGOs. In all, at the time of the study 15 (17%) of the cases involved juveniles lacking any kind of legal assistance and juveniles about whom there was no information.

1135. Thirty (34%) of the detainees had their own defence counsel, and 35 (40%) had the assistance of legal-aid lawyers. In total, 72 of the persons interviewed were receiving some kind of legal assistance.

1136. With regard to the interval between arrest and provision of legal assistance, only 9.8% of the detainees obtained such assistance within a week from the time of arrest and 49% within a month; 16% were left for three months without contact with a lawyer; and 20% had to wait up to six months to be advised by counsel. Six per cent of the detainees had to wait more than six months.

1137. This situation is certainly connected to the social and economic limitations of the families of the juveniles interviewed. The de facto discrimination is supposed to be corrected by the assistance provided by legal-aid lawyers. But some of the juveniles interviewed complained that this assistance was neither adequate or in keeping with the regulations: sometimes it was even necessary to pay for the services in some way, when by definition they should be free.

- **Challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority;**

- **A prompt decision on any such action, indicating inter alia whether there is any legal time-limit for such a decision to be taken.**

1138. The right to appear before a court or other competent, independent and impartial authority has already been discussed several times under earlier sections.

1139. Although the Juvenile Code and the main international instruments signed by Paraguay stress that judicial proceedings initiated by children must be completed very quickly, in practice there have been cases of failure to observe the procedural time-limits and of extremely slow proceedings.

1140. In the case of the juveniles interviewed who obtained their release during the study of the modes of termination of the proceedings and the violations of the principles of a State based on the rule of law it was found that out of a total of 17 juveniles none obtained from the criminal justice system a final decision to dismiss the proceedings. Thus, the proceedings were not terminated in the correct manner. Four of the 17 juveniles obtained release from detention, three obtained revocation of the detention order, one obtained exemption from pre-trial detention, and six obtained release by compurgation.

1141. One example which illustrates the situation was that of a girl, too young to be charged with a crime, who having proved that status and on other legal grounds, which were finally taken into consideration by the very judge who had ordered her detention (unlawfully on 5 June 1997) obtained revocation of the detention order in the same court by A.I. 1166 of 1 December 1997.

1142. The police authorities did not comply with the revocation order, and a writ of habeas corpus had to be obtained by the lawyer Gloria Deidamia Franco. The girl's release was finally secured on 20 February 1998 following representations by the Casa del Buen Pastor. The judicial order had still not been enforced at that time.

145. Information should also be provided on the overall situation, as well as on the percentage of cases where legal or other assistance has been provided, and where the legality of the deprivation of liberty has been confirmed, including disaggregated data on the children concerned, including by age, gender, region, rural/urban area, and social and ethnic origin.

1143. This point has already been answered under guideline 144.

146. Reports should also indicate the progress achieved in the implementation of article 37 (b) to (d), difficulties encountered and targets set for the future.

1144. The following points, which indicate the difficulties in this area, were taken from the study by Gloria Deidamia Franco which has served as a frame of reference for describing the situation of children in conflict with the justice system:

(a) The large number of unconvicted detainees;

(b) The failure to observe the procedural time-limits;

(c) The loss and/or removal of records;

(d) Discrimination in the dispensation of justice for socio-economic reasons;

(e) Inaccurate and incomplete police records;

(f) Unreliable criminal records and other documents;

(g) Judicial records which should normally exist only if a sentence was handed down;

(h) Profound ignorance of constitutional and legal rules in general, but especially of the international legislation and the commitments undertaken by Paraguay with respect to human rights, those relating to children in particular;

(i) Prison overcrowding;

(j) Deficient physical infrastructure and serious shortages of basic equipment and services;

(k) Health problems; and

(l) Abuse and cruel, inhuman and degrading treatment.

3. The sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment (art. 37 (a))

147. Please provide information on the measures adopted, at the legislative and other levels, to ensure that neither capital punishment nor life imprisonment without possibility of release is imposed for offences committed by persons below 18 years of age.

1145. Neither capital punishment nor life imprisonment exist in Paraguay.

148. Please also indicate the progress achieved in the implementation of article 37 (a), difficulties encountered and targets set for the future.

1146. Article 4 of the Constitution states: "The right to life is inherent in the human person. Its protection is guaranteed in general terms from conception. The death penalty is abolished...". This decision to abolish the death penalty and the important precedent set by the case of Angel Francisco Breard, who secured a historic decision by the International Court of Justice at The Hague on application of the provisions of article 36 of the Vienna Convention on Consular Relations concerning cases of capital punishment, invested Paraguay with the role of leading advocate of the abolition of the death penalty in Latin America. Accordingly, the Republic of Paraguay is taking the necessary steps for acceding to and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

1147. Paraguay is a party to the International Covenant on Civil and Political Rights, ratified as Act No. 5/92, article 6 of which refers to the abolition of the death penalty in language indicating clearly that abolition is desirable.

4. Physical and psychological recovery and social reintegration of the child (art. 39)

149. Please provide information on all measures taken pursuant to article 39 and in the light of article 40, paragraph 1, to promote the physical and psychological recovery and social reintegration of the child involved with the system of the administration of juvenile justice, and to ensure that such recovery and reintegration take place in an environment which fosters the health, self-respect and dignity of the child.

150. Reports should also identify, inter alia, the mechanisms established and the programmes and activities developed for that purpose, as well as the education and vocational training provided, and indicate relevant disaggregated data on the children concerned, including by age, gender, region, rural/urban area, and social and ethnic origin. They should further indicate the progress achieved in the implementation of article 39, difficulties encountered and targets set for the future.

1148. According to the study cited earlier, only four of the detention centres had arrangements to prepare inmates for release. These were the only ones to have partial recovery programmes, and only one of them (Instituto del Mañana) had post-release monitoring arrangements. There is thus a serious deficit in the areas of rehabilitation and re-education.

1149. No other information is available. Education and vocational training have been discussed under the topics of education and health services.

1150. The progress and difficulties have been apparent throughout the report; the difficulties are abundant.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

1. Economic exploitation of children, including child labour (art. 32)

"

151. Please provide information on the measures taken, including of a legislative, administrative, social and educational nature, to recognize and ensure the right of the child to be protected from:

- **Economic exploitation;**

- **Performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.**

1151. The legislative measures cited below are designed to protect working children against economic exploitation and work which may interfere with their education.

1152. Article 90 of the Constitution ("On child labour") states: "Priority shall be given to the rights of child workers in order to ensure their normal physical, mental and moral development".

The Labour Code

> "Article 120. Children aged under 15 years but over 12 years may work in enterprises, preferably enterprises employing members of the employer's family, provided that, by its nature or owing to the conditions under which it is performed, the work is not hazardous to the children's life, health or morals. Work in public or private vocational schools shall also be permitted, provided that it is performed for the purpose of vocational training or is approved and monitored by the competent authority.
>
> "Article 121. Work by children aged under 18 years shall be subject to the following requirements:
>
> (a) Presentation of a birth certificate;
>
> (b) Presentation of an annual certificate of physical and mental capacity to work issued by the competent health authority;
>
> c) Authorization of a legal representative;

(d) Prohibition of work hazardous to life, health or morals and work requiring physical effort in excess of the capacity consistent with the child's age specified in laws or regulations;

(e) Completion of primary schooling unless the work does not impede attendance at school;

(f) Prohibition of work on Sundays or on the public holidays established by law.

Medical examinations shall be conducted at the employer's expense and shall not entail any cost to the child or his parents. The physical and vocational re-adaption of children is the responsibility of the social security system.

Article 122. Children aged 15 to 18 years shall not be employed at night during the 10-hour period from 8 p.m. to 6 a.m.

Domestic work performed in the employer's home is excluded from this provision.

Article 123. Children aged 12 to 15 years may not work more than four hours a day or 20 hours a week.

Children aged 15 to 18 years may not work more than six hours a day or 36 hours a week.

For children still attending school the daily hours of work shall be restricted to two, and the total number of hours spent each day in school and at work shall not exceed seven.

Article 124. All employers of children or child apprentices shall be required to keep a register containing information about them: name and surname, age, date of birth, date of recruitment, school situation, medical insurance registration number, date of termination, number and date of issue of the work certificate.

In order to be valid this register must have its pages numbered, stamped and initialled by the Directorate-General for the Protection of Juveniles and must be kept free of corrections, erasures and annotations between lines. It shall be produced to inspectors or other authorized officials when required.

In January and July each year the employer shall transmit to the Directorate-General for the Protection of Juveniles a summary of entries in the register.

Article 125. Children aged under 18 years shall not be employed in work such as:

(a) The retail sale of alcoholic beverages;

(b) Work or services likely to affect their morals or good character;

(c) Work involving travelling, except by special authorization;

(d) Hazardous or unhealthy work;

(e) Work exceeding the established hours or the child's physical strength or work which may impede or retard his physical or moral development; and

(f) Night work during the period specified in article 122 or other periods established by law.

Article 127. All workers under the age of 18 years shall be entitled to annual paid holidays of not less than 30 consecutive working days".

The Juvenile Code (Act No. 903/81)

"Article 177. The protection provisions of this Book shall apply to children working on their own account or for an employer or independently, as well as to child apprentices and to pregnant women or nursing mothers who work.

Article 178. Pursuant to article 319 (f) the Directorate-General for the Protection of Juveniles shall monitor work by children, pregnant women and nursing mothers, in accordance with the provisions of this Book and the applicable labour laws.

Article 180. In order to be qualified to work a child must hold a work certificate issued by the Directorate-General for the Protection of Juveniles, for which the following requirements must be satisfied:

(a) Presentation of a birth certificate;

(b) Presentation of a certificate of physical and mental capacity to work issued by the health authority designated by the Directorate-General;

(c) Presentation of the booklet recording immunizations against endemic diseases;

(d) Submission of a report by the relevant department of the Directorate-General justifying the child's qualification to work in terms of his age, needs and personal situation and the nature of the work to be performed; and

(e) Authorization by a juvenile guardianship judge when required by the provisions of article 228 of this Code.

The medical certificates and reports required under this article shall be issued free of charge

Article 181. When these certificates and reports have been presented, the information contained therein shall be recorded in the register of child workers, which shall be signed by the person holding parental authority and by the child, to whom a certificate shall be issued free of charge. This certificate shall show:

(a) The child's name and surname;

(b) The place and date of his birth;

(c) The names and surnames of his parents or guardian;

(d) The work to be performed and the working hours;

(e) The child's address;

(f) His school grade;

(g) The number and date of the registration; and

(h) The signature of the general manager or an authorized member of the staff.

Article 185. A child aged between 12 and 15 years may be employed in farm work, provided that:

(a) He has completed his primary education or the work does not impede his attendance at school;

(b) He holds a certificate of physical and mental capacity to work issued by the competent health authority;

(c) The work is light and not hazardous or unhealthy;

(d) He has the permission of a parent or legal representative;

(e) He does not work more than four hours a day or more than 20 hours a week. For children who are still attending school the daily hours of work shall be restricted to two, and the total number of hours spent each day in school and at work shall in no case exceed seven; and

(f) He does not work on Sundays or public holidays.

Article 186. A juvenile judge may authorize a child aged 12 or over to work, except in the cases mentioned in the preceding articles, when this is essential for the child's own maintenance or the maintenance of his parents or persons dependent on him and the work is compatible with his physical and mental development and natural aptitudes. Children aged under 12 years shall be authorized to work in the cases specified in article 6 of this Code.

Article 187. Authorization to work under the preceding article shall be subject to the same requirements as are established in article 185. In the absence of a legal representative the authorization of the juvenile judge shall suffice.

Article 188. Authorization for children aged under 18 years to work shall be subject to the following requirements:

(a) Presentation of a birth certificate;

(b) Presentation of an annual certificate of physical and mental capacity to work issued by the competent health authority;

(c) Authorization of a legal representative;

(d) Restriction of the working hours to six hours a day or 36 hours a week; and

(e) Prohibition of employment in occupations hazardous to life, health or morals.

> Article 189. Children aged under 18 years shall not perform any work at night between 8 p.m. and 5 a.m.
>
> Article 190. In order to perform domestic service children must be aged at least 15 years and their service shall be governed by such provisions of the Labour Code as are not at variance with the provisions of the present Code.
>
> Article 191. An employer of a domestic worker aged under 18 years shall enter him in the register of child workers in the manner specified in article 179 within 30 days of the conclusion of the contract.
>
> Article 192. The contractual remuneration of a child domestic worker shall include food and clothing in addition to cash payments, unless proof of a different agreement is available.
>
> Article 194. A child shall not be sent to work in a private home or in a workplace, office or business other than the one for which he was recruited.
>
> Article 195. The wage-protection rules contained in the Labour Code shall apply strictly to child labour.
>
> Article 197. Child workers shall be entitled to paid annual holidays of at least 20 working days.
>
> Article 198. The provisions of the Labour Code and its amendments and the applicable labour laws shall apply in all matters mentioned in the present Book relating to the work of children in an employment relationship".

1153. Although these pieces of legislation are supposed to regulate child labour, the reality is different. It is typical for poor children aged under 10 to work; from a very early age such children work at various jobs, initially as (unpaid) family helpers and gradually becoming involved in production work and/or work at the lower levels of the labour market.

1154. The official statistics show that children are working from earlier ages: from age 10 according to the 1992 national population and housing census and from age seven according to the 1995 household survey. In 1995 the economically active population in the 7-17 age group totalled 462,897.

1155. The group with least protection is made up of formal workers, over whom the regulatory bodies exercise no control. Another vulnerable group consists of the servant boys and girls who perform domestic service in return for room and board and, in some cases, education, which is usually obstructed by the scant time which these children are allowed for their school work, for the household tasks take priority.

152. In this regard, reports should in particular indicate:

- **Whether legislation has included a prohibition, as well as a definition, of hazardous and harmful work, and/or of the activities considered to be hazardous, harmful to the child's health or development or to interfere with the child's education;**
- **Any preventive and remedial action undertaken, including information and awareness campaigns, as well as education, in particular compulsory education, and vocational training programmes, to address the situation of child labour both in the formal and informal sector, including as domestic servants, in agriculture or within private family activities;**

- **The measures adopted to ensure respect for the general principles of the Convention, particularly non-discrimination, the best interests of the child, the right to life, and survival and development to the maximum extent possible.**

1156. The legislation does not give a specific definition of hazardous work but does impose a ban on it. The articles cited above, for example, contain prohibitions on hazardous work which may be harmful to children's health, development and education. But things are different in reality, as already pointed out.

1157. Where hazardous work is concerned, it should be borne in mind that domestic work, done mostly by girls (without entirely excluding boys), involves considerable responsibility and risk, as in the case of looking after smaller children or even cooking on an open fire. Further details will be found in the annexes in table 73 on children who work in poor conditions. (Source: analysis of the sectoral situation by the Technical Planning Secretariat.)

1158. When it comes to child street workers, very important work is done by the Secretariat for Social Action of the Office of the President; the Secretariat is responsible for administering the Programme of Integrated Care for Child Street Workers, which has four main focuses, including work training under projects formulated as a response to the demand for training in specific areas to help adolescents and adults responsible for families to acquire an alternative source of income generation.

1159. This programme and others are implemented by NGOs and the municipalities, supported by an advisory group which meets twice a year; this group is made up of representatives of various agencies in the public sector and representatives of civil society, including the Organization of Child Workers. (Source: information bulletin of the Secretariat for Social Action.)

1160. No other measures other than legislation have so far been adopted, and no information and awareness campaigns have been carried out.

153. Please also indicate the appropriate measures adopted pursuant to article 32, paragraph 2, and having regard to the relevant provisions of other international instruments, including measures at the legislative and administrative levels, to provide in particular for:

- **A minimum age or minimum ages for admission to employment**

1161. In accordance with the provisions of international instruments, Paraguay promulgated its Labour Code by Act No. 213 of 30 October 1993; it was amended and extended by Act No. 496 of 22 August 1995. The Code states that the minimum age for admission to employment is under 15 years and over 12 years.

- **Appropriate regulation of the hours and conditions of employment**

1162. These matters are regulated in article 123 of the Labour Code:

> "Children aged 12 to 15 years may not work more than four hours a day or 24 [20][9] hours a week.
>
> Children aged under 18 years [aged 15 to 18 years] may not work more than six hours a day or 36 hours a week.

---

[9] [This text of article 123 differs from the text quoted in paragraph 1161 above.]

> For children still attending school the daily hours of work shall be restricted to two, and the total number of hours spent each day in school and at work shall not exceed seven.

1163. Article 125 states:

> "Children aged under 18 years shall not be employed in work such as:
>
> (a) The retail sale of alcoholic beverages;
>
> (b) Work or services likely to affect their morals or good character;
>
> (c) Work involving travelling, except by special authorization;
>
> (d) Hazardous or unhealthy work;
>
> (e) Work exceeding the established hours or the child's physical strength or work which may impede or retard his physical or moral development; and
>
> (f) Night work during the period specified in article 122 or other periods [established by law]".

1164. Article 122 states:

> "Children aged 15 to 18 years shall not be employed at night during the 10-hour period from 8 p.m. to 6 a.m.
>
> Domestic work performed in the employer's home is excluded from this provision".

- **Appropriate penalties or other sanctions to ensure the effective enforcement of this article, and any mechanism of inspection and system of complaint procedures available to the child, either directly or through a representative.**

1165 The imposition of penalties and sanctions is addressed in article 388 of the Labour Code:

> "An employer who obliges children aged under 18 years to work in unhealthy or hazardous places or to perform night work in industry shall be liable to a fine of 50 times the minimum daily wage for every worker affected.
>
> An employer who employs children aged under 12 years shall be liable to a fine of 50 times the minimum daily wage for every child affected; this fine shall be doubled for a repeated offence.
>
> Any authorization for a child to work given by his legal representative in contravention of the law shall constitute grounds for voiding of the labour contract, and the legal representative in question shall be liable to a fine of 50 times the minimum daily wage for every child affected; this fine shall doubled for a repeated offence".

1166. The Directorate-General for the Protection of Juveniles is the agency responsible for monitoring the working conditions of children and investigating abuse or injustice inflicted on them, as well as for ensuring the application of labour legislation and receiving complaints from child workers, who may appear in person or through a representative.

1167. In reality there are no inspection arrangements for child workers. The reception of complaints is the responsibility of the Juvenile Complaints Department of the Attorney-General's Office, to which children may turn either in person or through a representative; the Department has to refer the case to the duty prosecutor and then to a juvenile judge.

1168. The Department was established in July 1997 and it has not so far received any complaints of infringement of labour rights. The reason for this is perhaps ignorance on the part of the intended beneficiaries of the existence of this agency for the defence and protection of their rights.

154. In this regard, reports should also provide information on the international conventions and other relevant instruments to which the State may be a party, including in the framework of the International Labour Organization

1169. Paraguay has ratified the following ILO Conventions:

Convention Limiting the Hours of Work in Industrial Undertakings to Eight in the Day and Forty-eight in the Week (1919, Convention No. 1); Act No. 946 of 15 July 1964.

Convention concerning the Rights of Association and Combination of Agricultural Workers (1921, Convention No. 11); Act No. 1333 of 4 December 1967.

Convention concerning the Application of the Weekly Rest in Industrial Undertakings (1921, Convention No. 14); Act No. 945 of 15 July 1964.

Convention concerning the Creation of Minimum Wage-Fixing Machinery (1928, Convention No. 26); Act No. 924 of 3 June 1964.

Convention concerning Forced Labour (1930, Convention No. 29); Act No. 1234 of 13 June 1967.

Convention concerning the Regulation of Hours of Work in Commerce and Offices (1930, Convention No. 30); Act No. 942 of 15 July 1964.

Convention concerning Annual Holidays with Pay (1936, Convention No. 52); Act No. 944 of 15 July 1964.

Convention Fixing the Minimum Age for Admission of Children to Industrial Employment (1937, Convention No. 59); Act No. 997 of 31 August 1964.

Convention concerning the Age for Admission of Children to Non-Industrial Employment (1937, Convention No.60); Act No. 995 of 31 August 1964.

Convention concerning Medical Examination for Fitness for Employment in Industry of Children and Young Persons (1946, Convention No. 77); Act No. 994 of 31 August 1964.

Convention concerning Medical Examination of Children and Young Persons for Fitness for Employment in Non-Industrial Occupations (1946, Convention No. 78); Act No. 992 of 31 August 1964.

Convention concerning the Restriction of Night Work of Children and Young Persons in Non-Industrial Occupations (1946, Convention No. 79); Act No. 993 of 31 August 1964.

Convention concerning Labour Inspection in Industry and Commerce (1947, Convention No. 81); Act No. 1235 of 21 June 1967.

Convention concerning Freedom of Association and Protection of the Right to Organise (1948, Convention No. 87); Act No. 748 of 31 August 1964.

Convention concerning the Night Work of Women Employed in Industry (1948, Convention No. 89); Act No. 996 of 31 August 1964.

Convention concerning the Night Work of Young Persons Employed in Industry (1948, Convention No. 90); Act No. 998 of 31 August 1964.

Convention concerning the Protection of Wages (1949, Convention No. 95); Act No. 935 of 23 June 1964.

Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (1949, Convention No. 98); Act No. 997 of 31 August 1964.

Convention concerning Minimum Wage Fixing Machinery in Agriculture (1951, Convention No. 99); [...]

Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951, Convention No. 100); Act No. 925 of [...] June 1964.

Convention concerning the Abolition of Penal Sanctions for Breaches of Contracts of Employment by Indigenous Workers (1955, Convention No. 104); Act No. 1333 of 22 February 1964.

Convention concerning Weekly Rest in Commerce and Offices (1957, Convention No. 106); Act No. 947 of 15 July 1964.

Convention concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Indigenous Populations in Independent Countries (1957, Convention No. 107); Act No. 63 of 26 December 1964.

Convention concerning Discrimination in Respect of Employment and Occupation (1958, Convention No. 111); Act No. 1154 of 21 July 1966.

Convention concerning the Protection of Workers against Ionising Radiations (1960, Convention No. 115); [...]

Convention concerning Basic Aims and Standards of Social Policy (1962, Convention No. 117); Act No. 66 of 26 December 1968.

Convention concerning the Guarding of Machinery (1963, Convention No. 119); Act No. 1179 of 31 July 1966.

Convention concerning Hygiene in Commerce and Offices (1964, Convention No. 120); Act of 31 August 1996.

Convention concerning Medical Examination of Young Persons for Fitness for Employment Underground in Mines (1965, Convention No. 124); Act No. 1174 of 6 September 1966.

Convention concerning Vocational Rehabilitation and Employment (Disabled Persons) (1983, Convention No. 159); Act No. 36 of 6 September 1990.

Convention concerning Indigenous and Tribal Peoples in Independent Countries (1989, Convention No. 169); Act No. 234 of 19 July 1993.

Declaration on Fundamental Principles and Rights at Work and its Follow-up, relating to the protection of the basic rights of workers, the elimination of discrimination in employment, and the effective elimination of child labour.

- **Any national policy and multidisciplinary strategy developed to prevent and combat situations of children's economic exploitation and labour**

1170. ILO is to provide the necessary technical and financial resources for measures to help the Government to regulate and gradually restrict child labour. This commitment is made in the memorandum of understanding on the implementation of the International Programme on the Elimination of Child Labour (IPEC) signed by the Minister of Justice and Labour and the Director-General of ILO, Michel Hansenne, on 18 June 1998 in Geneva at the eighty-sixth ILO General Conference.

1171. Apart from the elimination of child labour, the programme is intended to protect children against all forms of economic exploitation which impede their education or may be hazardous or harmful to their health or physical, mental or moral development.

1172. There is another project from the end of 1997, called "From needs to rights: replacement of begging with babies by an alternative family economic activity", which is designed to deal with the problem of mothers begging in the streets of Asunción with babies in their arms. This project is carried out by the Municipality of Asunción, CENADI, DEQUENI and the Jasmin Foundation with funding from the Secretariat for Social Action.

1173. The project offers training and direct care and support services for 35 families with children which have been engaging in "pideo" (begging), carrying babies around the streets of Asunción. It began in December 1997 and has produced the following results so far: 12 of the 35 mothers taking part in the project are already working with "basic economic units" (kiosks or carts) supplied to them on 20 June 1998. They have thus found an alternative to begging in the streets with their babies.

1174. Units were in fact provided for 15 mothers, but work is continuing with two of them in order to make them understand how important it is not to go begging with their babies; the remaining one has still not received a permit to set up her kiosk. An important stage of the project is thus being accomplished, albeit with many obstacles and difficulties, for this problem is very complex and has many different aspects. (Source: press item; Secretariat for Social Action.)

- **Any coordinating and monitoring mechanism established for that purpose**

1175. The Labour Inspectorate of the Ministry of Justice and Labour coordinates and monitors the application of the labour laws for the whole people and not just for children. To this end, in 1997 it called upon its officials to volunteer for the post of inspector, and training courses were held by the Paraguayan Institute for Labour Studies in order to equip them to perform their functions effectively.

- **The relevant indicators identified and used**

1176. The indicator used derives from the economic crisis, which is prompting more and more children to leave school to work and support their families. The crisis is producing increasing numbers of street workers, formerly the exclusive province of children; they have now been joined by many adults in need of a source of work.

- **Relevant programmes of technical cooperation and international assistance developed**

1177. A second cooperation agreement with the Japanese Government was signed in 1996 with a view to creating a Paraguayan-Japanese vocational advancement service, with its office in San Lorenzo. This project aims to strengthen and supplement the existing vocational training system by introducing new technology in electricity, electronics, automobile electronics, electromechanics, factory automation, radiocommunications, and training and refresher courses for instructors.

1178. A project execution unit was set up with IDB support under the project for the creation of the National Work Training System. It has so far organized several events to increase the awareness of the main actors (businessmen, workers, vocational training institutions).

1179. The progress achieved in the context of the international integration and cooperation process included: the signature of a letter of intent concerning a social security agreement between Spain and Paraguay in March 1997; the Declaration of Madrid in January 1997; the provision of advice by the Ibero-American Social Security Organization on specific tasks in this area in MERCOSUR working party 10, of great importance during the provisional presidency; and ILO cooperation in areas such as inspection and monitoring, labour negotiations in MERCOSUR, an employment watchtower, and the creation of a tripartite body on matters connected with wages and jobs. Attention must also be drawn to the assistance furnished by other MERCOSUR labour ministries by way of training of labour officials: the labour ministries of Argentina and Uruguay deserve special mention in connection with topics such as international standards and inspection and monitoring.

- **The progress achieved in the implementation of this article, benchmarks set up as well as difficulties encountered**

1180. The biggest difficulties include the lack of a system of protection and free access for child workers and their ignorance of their rights. This situation is exploited by adults who commit irregularities. The servant boy or girl is even today a common figure in Paraguayan households, which give them food and clothing in exchange for daily work; in the best of cases a room is provided as well.

1181. In terms of progress, the Youth Department has done important work: in 1997 it gave its support to the Union of Young Professionals and Businessmen, which organizes the youth encounters "Opening ways", the first step in the creation of a space for discussion, thought and proposals in connection with the integration of young people in the country's economic development; this undertaking has now been consolidated in a three-year plan.

1182. The Department is also seeking to establish links with bodies having similar objectives, such Rotary Club, Lions Club, the Union of Young Professionals and Businessmen, and other international organizations. In order to publicize and promote its activities and make direct contact with greater numbers of young people, the Department took part in, as well as organizing itself, a number of events such as seminars, workshops, congresses, exhibitions and day sessions both nationally and internationally.

1183. At the Department's request, a youth employment programme is being formulated for rural areas; it takes into account the experience of a number of other South American countries and has the possibility of obtaining the necessary funding for its implementation from international cooperation agencies.

- **Relevant disaggregated data on the children concerned, including by age, gender, region, rural/urban area, and social and ethnic origin, as well as on infringements observed by inspectors and sanctions applied.**

1184. There are no data on these points.

2. Drug abuse (art. 33)

155. Please indicate all appropriate measures adopted, including legislative, administrative, social and educational measures, to:

- **Protect children from the illicit use of narcotic drugs and psychotropic substances, as defined in relevant international treaties**

1185. Article 71 of the Constitution ("On drug trafficking, drug addiction and rehabilitation") states:

> "The State shall suppress the production and illicit handling of narcotic substances and other dangerous drugs and acts aimed at legitimizing the proceeds of such activities. It shall likewise suppress the illicit consumption of these drugs. The law shall regulate the production of such drugs for medicinal use.
>
> Preventive education and rehabilitation programmes shall be established for addicts, in collaboration with private organizations".

1186. The National Anti-drugs Secretariat (SENAD) has introduced a policy of stepping up the severity of the measures and setting priorities in order to demonstrate the State's firm political will to tackle the problem of drug trafficking and related offences in all their manifestations. To this end, a national plan for prevention of drug abuse was formulated by the SENAD Advisory Council on Prevention (made up of representatives of the Ministry of Education and Worship, the Ministry of Public Health and Social Welfare, and the NGO coordinating committee for the prevention of drug abuse) with a view to establishing the main lines of the measures to be implemented under the prevention, treatment, rehabilitation and social reintegration programmes, with emphasis on measures to create greater social awareness and opposition to drug use. These measures are being taken pursuant to the constitutional mandate to establish preventive education programmes in collaboration with private organizations.

1187. A document entitled "National anti-drugs strategy" was presented in 1996; it describes clearly and precisely the measures to be taken in the fight against drugs in their various manifestations. It was signed by the President of the Republic, Juan Carlos Wasmosy, the President of the National Congress, Miguel Abdón Saguier, and the Foreign Minister, Rubén Melgarejo Lanzoni.

1188. SENAD also organized a mass education programme in 1996 and 1997 on Radio Oñondivepa F.M. stereo 106.5 and Paraguayan National Radio. Articles were also published in the newspapers Noticias, ABC Color and Ultima Hora, and SENAD participated in television programmes such as "Woman", "The morning of every day", "24 Hours Nande Neeme" and "Telefuture" in order to make the general public more aware of this topic.

1189. The programme of the national prevention network has carried out the following measures as part of its grass-roots approach:

> The community section of the integrated prevention division held a coordination meeting with the leaders of the Juca de Villarica group on 12 February in order to plan and coordinate the measures to be implemented in 1997.
>
> A further meeting was held on 13-16 February 1997 with members of the national prevention network in the town of Carapegúa, also attended by Chilean officials. Experience was exchanged on grass-roots work to prevent addiction. Following this meeting joint activities were carried out with network leaders in the town of Chiriguelo (Amambay Department) from 17 to 22 February 1997, again with the participation of Chilean officials. This campaign was aimed at local children.
>
> On 22 February 1997 the Arapuahú group of the prevention network presented its work project to officials in the town of Tobatí for evaluation of its viability.
>
> This work project was approved by the Tobatí community. It was formally adopted on 27 April of this year in the presence of youth leaders and representatives of the local commune and SENAD.
>
> On 25 October 1997 a day session was held in the Lucio Bento Pavón auditorium of the National Directorate for Narcotic Drugs (DINAR); it was attended by representatives of the national prevention network from the towns of Ciudad del Este, Santa Rita, Saltos del Guairá, Katueté, Emboscada, Itauguá Aregua, Capiatá, Isla Pucú, Tayazuape, Caacupé and Caraguatay.

1190. In an effort to publicise the SENAD mission to combat drug abuse and trafficking under the grass-roots prevention programme a decision was taken to work house to house in a community regarded as high-risk from the drug-use standpoint; 351 families were visited in the Blanco Cué district between 10 and 24 February.

1191. These 351 houses produced a total of 2020 persons, 1,075 juveniles and 965 adults.

1192. The grass-roots prevention programme held an awareness day in conjunction with Oñondivepa municipal centre No. 2 and the Lions Club and the Leo Club in Trinidad. House-to-house calls were made on the Villa Antelco estate in order to collect information about the community's needs and to ascertain the drug-consumption situation. Fifty families were interviewed.

1193. Within the framework of the national prevention plan SENAD signed cooperation agreements with the municipalities of Asunción and Areguá and a letter of commitment with the municipality of Itauguá.

1194. A number of special events were also held, including:

> Participation as organizer in the seminar "Prevention theories";
>
> Prevention campaign in Areguá: "Areguá, I want you alive, with children free of drugs";
>
> Prevention campaign in Carapeguá: "Open windows without the serious consequences of addictions";

Day sessions for young students and teachers in the metropolitan area;

Collaboration with a US Army team on the production of materials to support the prevention work: transfers, calendars and fliers with addiction-prevention messages.

1195. The following activities were carried out with institutions:

Meeting with the Blanco Cué fishermen's association;

Visits to the Ministries of Agriculture and Livestock and Education and Worship, the San Lorenzo health centre, the Tekove Pyahu treatment centre, the Secretariat for Women, and the head teacher and teachers of the San Vicente de Paúl school;

Periodic meetings with representatives of the European Union and the following bodies: the Igia Group, the Ministry of Health (through the Healthy Municipalities Movement), the Blanco Cué fishermen's association, the municipality of Areguá, and the Health Sciences Research Institute of the National University;

In the case of international activities, coordination by SENAD of the first national forum on "Impact of drug abuse on women and the family", in conjunction with the Health Sciences Research Institute, the Kuña Aty Foundation, and the research and documentation centre of the Paraguay-Kansas Committee sponsored by the Secretariat for Women.

- **Prevent the use of children in the illicit production and trafficking of such substances.**

1196. Article 14 of Act No. 1340/88, which "suppresses illicit trafficking in dangerous drugs and other related offences and establishes measures of prevention and for the rehabilitation of drug addicts", states:

> "Any person who unlawfully supplies narcotic substances, dangerous drugs or products containing such substances or drugs to a juvenile shall be liable to a prison term of 10 to 25 years, confiscation of the products, and a fine equivalent to four times the value of the products supplied".

1197. The sanctions imposed under Act No. 1015/97, which "prevents and suppresses unlawful acts aimed at the legitimization of money or merchandise", apart from filling a gap in the legislation, constitute a further demonstration of the determination of the National Congress to back up the efforts made by the official agencies responsible for fighting drug trafficking and related offences. The Secretariat for the Prevention of the Laundering of Money and Merchandise was set up under the Office of the President as the executing agency for this Act; it is headed by the Minister of Industry and Trade and consists of a member of the Board of the Central Bank of Paraguay, the Adviser to the National Securities Commission, the Executive Secretary of SENAD, the Superintendent of Banks, and the Commander of the National Police. The Secretariat's functions and powers were defined at the same time.

1198. Transactions giving rise to suspicions of laundering offences, under article 31 of the Act, are investigated by the SENAD financial crime investigation unit. This constitutes yet another challenge for SENAD: to equip the unit with the necessary infrastructure for its effective functioning, to secure the cooperation of other countries and agencies, and to give its staff the specialized training to enable it to perform its functions efficiently and effectively.

1199. The measures to prevent children from being involved in drug trafficking are implemented by the juvenile magistrates and procurators. When these agents go to locations at night to find and rescue sexually exploited children they also try to bring in children exploited by drug traffickers. Such children are sent to hospitals for treatment.

1200. DINAR collaborates with the Judiciary in this area and coordinates their work in connection with, for example, the conduct of chemical analyses to ascertain the quality of the substance in question.

156. Reports should also indicate:

- **The relevant international conventions, including at the regional and bilateral levels, to which the State is a party**

1201. These conventions are the Single Convention on Narcotic Drugs and the Convention on Psychotropic Substances, ratified by Acts Nos. 338 and 339 of 17 December 1971.

- **Any arrangements made and structures developed to raise awareness in the general population and amongst children, including through the school system and whenever appropriate by the consideration of this topic by the school curricula**

1202. Preventive education courses were continued in order to raise awareness within the integrated prevention system. Training was given to 281 teachers and 539 young people. Training was also provided for prevention groups in the departments of Concepción, Cordillera, Caaguazú, Guairá, Paraguarí and Encarnación. The training groups are located in Caazapá, San Juan Bautista (Misiones), Villa Florida and Itacurubí del Rosario.

- **Any measures undertaken to assist children and their families, including through counselling, advice and helplines, where appropriate of a confidential nature, and policies and strategies designed to ensure the physical and psychological recovery and social reintegration of children concerned**

1203. Under the SENAD treatment programme 129 persons were treated by SENAD itself and 75 family members received counselling from SENAD; 10 persons were referred to the Clinical Hospital, three were treated in the First Aid Hospital, and one in the Military Hospital.

1204. The Juvenile Complaints Department receives reports of drugs possession and trafficking. There was one case in 1995, which was referred to the Public Prosecutor. In addition, the Department for Assistance to Victims of Crime includes among its many functions the provision of assistance to children with behavioural problems and addictions and to runaway children, as well as counselling for their parents. These cases are referred to the juvenile procurators.

1205. Children who are intoxicated by drugs are handed over to their parents with instructions for them to undergo detoxification treatment, and DINAR is recommended not to enter the details in the children's records.

1206. Article 74 of the new Criminal Code states:

> "1. Any person who commits an unlawful act as a result of excessive consumption of alcoholic beverages or use of other narcotic drugs shall be placed in a detoxification unit when there is danger of his committing further serious unlawful acts for the same reason. This same procedure shall apply when a severe personality disorder has been verified, or cannot reasonably be excluded, within the meaning of article 23.1 ["Proceedings shall not be taken against a person

who, at the time of the act or omission, owing to mental disturbance, incomplete or retarded mental development, or a serious personality disorder was incapable of knowing the unlawfulness of the act or omission or of making decisions in the light of that knowledge"].

2. This measure shall be applied for a minimum of one year and a maximum of two years.

3. Where appropriate, the provisions of articles 39 and 40 shall apply, provided that this is not incompatible with the purpose of the measure".

1207. Article 77 refers to the suspension of the measure in favour of out-patient treatment, provided that someone can take responsibility for ensuring that such treatment is undergone. A suspension may be revoked if the patient's conduct demonstrates that the achievement of the purpose of the measure requires confinement.

- **Any measures designed to monitor the incidence of drug abuse on children, as well as their involvement in the illicit production and trafficking of narcotic and psychotropic substances, progress achieved, difficulties encountered and targets set for the future**

1208. The progress amounts to the work done by the juvenile magistrates and procurators, the Juvenile Complaints Department, the Department for Assistance to Victims of Crimes, SENAD and DINAR by way of assistance and counselling, awareness campaigns, and night patrols.

1209. The main difficulty lies in the supervision of street children, who at a very early age encounter alcohol, tobacco and drugs, specifically "cobbler's glue" since they usually have no contact with other more sophisticated drugs; their environment leads them into this addiction as they follow the example of their elders. Given these circumstances, their rehabilitation is no easy matter, especially as some of them live in the street with no fixed abode or parents to take responsibility for them. They are thus prey to every kind of vicious proclivity.

- **Any relevant disaggregated data, including by age, gender, region, rural/urban area, and social and ethnic origin.**

1210. The only data relate to the juveniles interviewed in prison by the Directorate for Criminal Policy and Criminology of the Attorney-General's Office; the findings are as follows.

1211. Thirteen% of the 87 juveniles used marihuana and 6% inhalants. The consumption of illegal drugs may have been higher because such conduct is less acceptable in the prison context, so that inmates tend to use socially accepted drugs. In fact, in some cases the use of drugs, especially inhalants, was found noted in the juveniles' prison record sheets even though the juveniles omitted to mention such use during their interviews. Most of those who professed not to use illegal drugs answered in the affirmative when asked whether anyone had ever invited them to try narcotic or other drugs.

1212. Nine per cent asserted that their friends used marihuana. 22% admitted to using some kind of drug and said that they intended to continue doing so. And twenty% answered that they did not know on that point because they had not thought about it. The main reason given was the need to belong to a group: 32% said that they used drugs to keep in with a group that shared their frustrations.

1213. Another consequence of broken families and unstable environments is that children acquire the drug habit either by imitating their group or through their own personal destabilization.

157. In addition, please also provide information on legislative and other measures taken to prevent the use by children of alcohol, tobacco and other substances which may be prejudicial to their health and which may be available with or without restrictions to adults, and on any evaluation made of the effectiveness of such measures, together with relevant disaggregated data on the use by children of such substances.

1214. Article 222 of the Juvenile Code states that a child who habitually or occasionally traffics in or uses narcotic substances or dangerous drugs or who habitually consumes alcoholic beverages is in a situation of danger. It adds that it is task of the correctional judge to examine and resolve this situation, either by returning the child to his parents or other legally responsible persons, with a caution, or by placing him in a children's home or with foster parents under the supervision of a probation officer. But this article does not prohibit the consumption of drugs or alcohol. However, article 50 of the draft Children's Code does prohibit the sale of alcoholic beverages or other products whose ingredients may cause physical or psychological dependence even if only as a result of abusive use. Furthermore, article 52 refers to the adoption of measures such as enrolment in public or community programmes offering assistance, counselling and treatment for alcoholics and drug addicts.

1215. For practical purposes the Ministry of Public Health and Social Welfare issued an order prohibiting the sale of alcoholic beverages to children aged under 18 years, and the sale of alcohol in stores after midnight is prohibited.

1216. The first MERCOSUR regional conference on abuse of alcohol and other drugs was held on 29-30 August 1997 in Asunción, under the auspices of the Health Ministry, in order to discuss public policy and the importance of the contribution of the private sector to treatment, prevention and research. There was an exchange of international experience concerning epidemiological research, which may be addressed in MERCOSUR at the regional level in the future.

3. Sexual exploitation and sexual abuse (art. 34)

158. Please indicate the measures adopted, including of a legislative, educational and social nature, to protect the child from all forms of sexual exploitation and sexual abuse. Reports should in particular provide information on all national, bilateral and multilateral measures taken to prevent:

(a) the inducement or coercion of a child to engage in any unlawful sexual activity;

(b) the exploitative use of children in prostitution or other unlawful sexual practices;

(c) the exploitative use of children in pornographic performances and materials.

1217. Article 135 of the new Criminal Code, which was to enter into force on 1 November 1998, states with respect to the sexual abuse of children:

> "1. Anyone who commits sexual acts with a child or induces a child to commit such acts himself or with third parties shall be sentenced to a term of imprisonment of up to three years or to a fine. Anyone who commits manifestly sexual acts in front of a child and directed at that child or who induces a child to commit such acts in front of himself or third parties shall be liable to the same penalties.
>
> 2. In the cases referred to in paragraph 1 the term of imprisonment shall be increased to up to five years if the perpetrator:

(1) In the commission of the offence subjects the victim to serious physical maltreatment;

(2) Has abused the victim on several occasions;

(3) Commits the offence with his biological or adopted child or with his stepchild or with a child for whose education, guardianship or foster care he is responsible;

3. If several of the aggravating circumstances referred to in paragraph 2 are present, the perpetrator shall be sentenced to a term of imprisonment of up to six years.

4. In the cases referred to in paragraph 1 the term of imprisonment shall be two to 10 years if the perpetrator engages in coitus with the victim.

5. A fine shall be imposed on anyone who:

(1) Performs in front of a child exhibitionist acts likely to disturb him; or

(2) Using obscene language or pornographic publications within the meaning of article 14.3, approaches a child in order to stimulate him sexually or cause him to feel rejection of sex;

6. If the perpetrator is aged under 18 years, the penalty may be waived.

7. In the cases referred to in paragraphs 1 and 5 criminal prosecution may be waived if criminal proceedings will intensify disproportionately the harm caused to the victim.

8. For the purposes of this article "child" means a person aged under 14 years".

Article 136 states with respect to the sexual abuse of persons under guardianship:

"1. Anyone who commits sexual acts with a person:

(1) Not younger than 14 years or older than 16 years, for whose education, foster care or guardianship he is responsible,

(2) Not younger than 16 years or older than the age of majority, whose education, foster care or guardianship is the responsibility of the perpetrator who, abusing the child's state of dependence, subject's him to his will,

(3) Who is a biological or adopted child or a child of a spouse or common-law spouse, or

(4) Who induces a child to commit sexual acts on him,

Shall be sentenced to a term of imprisonment of up to three years or to a fine. Anyone who commits sexual acts in front of a child and directed at that child or induces a child to commit sexual acts in front of himself or third parties shall be liable to the same penalties.

2. Anyone who approaches a child with obscene language or pornographic publications within the meaning of article 14.3 in order to stimulate him sexually or cause him to feel rejection of sex shall be sentenced to a fine of up to 180 days' wages".

Article 137, on rape of an under-age female, states:

> "1. A male who persuades a female aged between 14 and 16 years to engage in extramarital coitus shall be sentenced to a fine.
>
> 2. If the perpetrator is aged under 18 years, the penalty may be waived".

Article 138, on homosexual acts with children, states:

> "Any person having reached the age of majority who commits sexual acts with a person of the same sex aged under 16 years shall be sentenced to a term of imprisonment of up to two years or to a fine".

Article 139, on procurement, states:

> "1. Anyone who procures the prostitution of:
>
> (1) A person aged under 18 years,
>
> (2) A person aged between 18 years and the age of majority by exploiting his or her vulnerability, trust or innocence, or
>
> (3) A person aged between 18 years and the age of majority for whose education he is responsible,
>
> Shall be sentenced to a term of imprisonment of up to five years or to a fine.
>
> 2. If the perpetrator acts for profit the term of imprisonment shall be increased to up to six years. The provisions of articles 57 and 94 shall also apply.
>
> 3. If the victim is under 14 years of age, the term of imprisonment shall be increased to up to eight years".

Article 140, on pimping, states:

> "Anyone who exploits a person engaging in prostitution and takes his or her earnings shall be sentenced to a term of imprisonment of up to five years".

1218. The measures to prevent all forms of sexual exploitation and sexual abuse and to protect children are implemented by the country's municipalities through their children's agencies (called Community Centre for the Protection of Children (CECODIN) in Asunción and Commission on the Rights of the Child (CODENIS) in the interior, with a view to ensuring that children's rights to life, development, protection and participation are recognized, respected and safeguarded.

1219. Attention is drawn to the work of CECODIN, which has been operating in Asunción since 17 August 1995, carrying out its activities through neighbourhood groups under a programme based on the following statistical targets:

The proposals contained in the National Plan of Action for Children for improvement of the quality of life of children living in particularly difficult circumstances in terms of their rights to health, nutrition, education, participation and protection;

The proposals contained in the Strategic Social Development Plan.

1220. Organization and participation: established from the outset of the effort to tackle this problem, in terms both of its study and of the identification of possible solutions. To this end, a space was created for the participation of the actors involved in children's social development and the protection of their rights: civic organizations and local authorities.

1221. This approach resulted in the creation and consolidation of a space for the defence and promotion of the rights of the child in the districts of Asunción subject to the decentralization of the metropolitan area (the municipal centres), a space promoted by the Department for Children and Young People of the Directorate for Social Affairs and by the municipal centres themselves and organized civil society in the shape of CECODIN.

1222. The following projects are planned for 1998:

1. Action on cases of infringement of the rights of the child;
2. Publicizing and promotion of the rights of the child;
3. Action on cases of child abuse in districts of Asunción.

1223. The future plans include:

1. Establishment of a support network for the programme;
2. Formation of youth-leader groups;
3. Formation of CECODIN children's groups.

1224. From the outset of the implementation of CECODIN the cases of infringement of children's rights were identified mainly by the neighbourhood groups, which noticed an incident or circumstance prejudicial to those rights.

1225. In response to complaints CECODIN takes direct action, consistent with the scale of the problem, in the form of individual interviews or conciliation meetings with the parties and always ensuring that the best interests of the child take precedence in any agreed solution.

1226. If a case, such as a health problem, requires specialized attention or intervention by the judicial authorities it is referred to them. CECODIN monitors such cases and, once a solution is in sight, takes the necessary follow-up action.

1227. If a case is brought before the courts CECODIN does not attempt conciliation of the parties but it does provide assistance to the affected children and their families (support for victims, for instance).

1228. It should be noted that the work of CODENIS in the interior of the country has still not had any great impact since CODENIS was created only recently; its problems and achievements will therefore be assessed at a later stage. The work of CECODIN has had an impact, which is why its activities have been discussed at some length.

1229. The Department for Assistance to Victims of Crime is responsible for helping the victims of sexual offences; according to information from the Attorney-General's Office, sexual violence is a category which includes rape and attempted or frustrated rape, sexual abuse, indecent behaviour, and indecent assault.

1230. Thirty-two per cent of the persons assisted in 1997 were victims of this type of crime; a disaggregation by sex shows that 36% of the females and 18.6% of the males had suffered the consequences of some kind of sexual violence.

1231. The Juvenile Complaints Department was created in July 1997 with a view to improving the services to the public, because formerly complaints were received by the juvenile procurators, who could not give them due attention owing to their excessive workload. The office is manned by a procurator, who receives complaints of abuse of children up to 20 years of age. The situation is different when a child is a perpetrator and has committed an offence addressed and punishable by law; the age-limit is then 14 years.

1232. According to the statistics on sexual violence, there were 16 cases involving male and 97 involving female victims, for a total of 113 cases in 1997.

159. Reports should also indicate, inter alia:

- **Information, awareness and education campaigns to prevent any form of sexual exploitation or abuse of the child, including campaigns undertaken in cooperation with the media**

1233. In addition to taking up cases of abuse (in all its versions) and cases requiring extensive intervention, CECODIN also runs a programme of primary prevention of abuse in the form of information and training workshops on this problem; the programme operates at two levels:

(i) "Defenders of children" neighbourhood groups: instruction in how to halt abuse and intervene in cases of abuse;

(ii) Community: priority is given to workshops on abuse and sexual abuse in districts where these offences are common.

1234. Primary prevention is regarded as fundamental, not only to reduce the incidence of cases but also to bring home to society the fact that children have rights. One result is that when the subject of abuse is publicized and discussed it often happens that apparently more cases surface in these districts: they existed before but were not reported.

1235. Representatives of neighbourhood groups took part in seven radio and television programmes on the rights of the child, with specific rights singled out for attention; training materials were produced for use with neighbourhood groups.

- **Any national and multidisciplinary strategy developed to ensure protection of children below the age of 18 against all forms of sexual exploitation and abuse, including within the family**

1236. Information about strategies is given in the preceding section; 84% of the cases of sexual exploitation and abuse reported to CECODIN occurred in the family.

1237. Referral of such cases to the judicial authorities is mandatory, with subsequent follow-up and periodic evaluation.

1238. In all cases the intervention is determined by the best interests of the child, and the facts are kept from the public in order to prevent any social ostracisation of the affected families in the efforts to eradicate this kind of conduct, the main victims of which are children.

1239. The Juvenile Complaints Department is also responsible for receiving complaints, as discussed above; it supplements the work of the guardianship and correctional procurators. The complaints are examined and processed in the Department's offices and signed by the duty procurator before being referred to the duty guardianship or correctional magistrate as appropriate.

- **Any coordinating and monitoring mechanism established for that purpose**

1240. At the institutional level there is the network for care of abused children made up of governmental and non-governmental bodies involved in the defence of the rights of the child within their individual spheres of action. This national network was created with UNICEF support and it operates under the auspices of the National Centre for the Protection of the Rights of the Child (CENADI).

1241. The network consists of the following bodies:

Department for Assistance to Victims of Crime;

Juvenile correctional court of the second roster;

Tekojojá Foundation;

National Police (Department of Juvenile and Family Affairs);

Department of Mental Health, Ministry of Public Health and Social Welfare;

Commission on the rights of the child of the municipality of Luque and Pedro Juan Caballero;

Dr. Carlos Santiviago Casa Cuna;

Don Bosco Roga home;

Santa Teresita children's home;

National Home for Children and the Elderly;

San Francisco de Asis children's home;

San Vicente home;

Rosa Virginia children's home;

Santa Lucía de Marillac home;

Instituto del Mañana of the Las Residentas Foundation;

National Children's Home of the Ministry of Justice and Labour;

Santa Eufrasia home;

Interdisciplinary centre for social law and political economy (Catholic University);

Attorney-General's Office (Judicial Investigation Centre);

Kuña Aty Foundation;

Secretariat for Women of the Office of the President;

Community Education Support Base

25 November women's collective (Casa de la Mujer);

Christian Association of Youth;

DEQUENI Foundation;

Callescuela Foundation;

National Hospital;

First Aid Hospital;

Barrio Obrero Hospital (health centre No. 2);

Outpatients unit of the paediatrics department of the Clinical Hospital;

Barrio San Pablo mother and child hospital

Fernando de la Mora mother and child hospital;

Santísima Trinidad mother and child hospital;

Loma Pyta mother and child hospital;

San Lorenzo regional hospital;

Caacupé regional hospital;

Health region XIII (Amambay Department);

Reina Sofía mother and child hospital (Paraguayan Red Cross);

ATYHA;

Children's Department (Directorate-General for Social Welfare);

Global Infancia;

San Cayetano community clinic.

- **The relevant indicators identified and used**

1242. As yet there are no indicators but only statistics giving an overview of the situation.

1243. In order to obtain data, research was carried out with UNICEF support in Asunción and Ciudad del Este, where cases of sexual exploitation are commonest; the findings are noted below.

1244. Sweeps were carried out in June 1996 in Asunción and Greater Asunción by the judicial authorities and the National Police to rescue children suffering sexual exploitation; they were taken to the Women's Commissariat and their parents or the persons responsible for them were subsequently called in, so that contact could be made with them and the children delivered into their care.

1245. In addition, for three weeks in September 1996 the newspaper ABC Color carried out an investigation of suggestive press advertisements for sauna and massage parlours. Either by telephone or personal application in response to 24 ostensible offers of saunas or massages a journalist and a photographer were able to "hire" sexually exploited boys or girls in what is known as the "Sex Supermarket: Children for Sale".

1246. The National Police offers a total of 420 female sex workers in Asunción, all over the age of majority. The Anti-AIDS Programme is approached, every month and in Asunción alone, by 400 female sex workers seeking regular medical checks. Most of them are brought in by the madames or managers of the more or less official brothels in the city centre. It is clear that the vast majority of sexually exploited girls do not usually turn to the Programme, for only 40 (all aged 18 or 19) regularly undergo the Programme's checks. This is no doubt due to the legal sanctions to which brothel keepers are liable.

1247. Furthermore, 136 of 210 female sex workers surveyed in Asunción were under age (65%), and 107 of 160 female sex workers surveyed in Ciudad del Este were also under age (67%).

Contact points and risk areas

Asunción

Contact points and risk areas	Number of female sex workers* (including minors)
Bars	
1. Barrio San Pablo (1)*	20
2. Barrio Encarnación (3)*	83
3. Barrio Vista Alegre (3)*	80
4. Barrio Mariscal José Félix Estigarribia (1)*	30
5. Barrio Catedral (2)*	45
6. Barrio Dr. Francia (2)*	30
7. Barrio San Roque (1)*	18
Subtotal	*306*
Night clubs	
8. Barrio Encarnación (3)*	105
9. Barrio Catedral (1)*	25
Subtotal	*130*
Saunas	
10. Barrio Catedral (2)*	28
11. Barrio Encarnación (2)*	30
12. Barrio Jara (1)*	10
13. Barrio Mariscal San Roque (1)*	15
14. Barrio San Vicente (1)*	12
Subtotal	*95*
Motels	
15. Barrio Dr. Francia (1)*	15
16. Barrio Ñu Guazú (2)*	42
17. Barrio Encarnación (4)*	99
18. Barrio Catedral (3)*	76
19. Barrio Terminal (1)*	25
Subtotal	*257*
20. Plaza Uruguaya	50
21. Port of Asunción	50
22. Bus terminal	150
23. Barrio Bernardino Caballero	80
24. Barrio Dr, Roberto L. Pettit	50
25. Barrio San Blas	60
26. Barrio Tablada	80
27. Barrio Ricardo Brugada (Chacarita)	100
28. Barrio Bañado	40

29. 4 Mojones	250
30. Mercado de Abasto	150
31. Mercado 4	100
32. Avenida Fernando de la Mora	100
33. Avenida A. de Figueroa	50
34. Avenida Mariscal López	50
35. Avenida Artígas	40
36. Avenida Felix Bogado	30
37. Avenida Sacramento	60
38. Calle Gral. Diaz	150
39. Calle Oliva	150
40. Avenida Madame Lynch/Avenida Eusebio Ayala	100
Subtotal	*1,890*
Total	**26,688**

1248. These data were taken from a UNICEF report on the sexual exploitation of children.

- **Legislation developed to ensure effective protection of child victims, including through access to legal and other appropriate assistance and support services**

1249. Reference has already been made to the Criminal Code in the preceding section.

- **Whether sexual exploitation and abuse of children, child prostitution and child pornography, including the possession of child pornography, and the use of children in other unlawful sexual practices are considered criminal offences**

1250. A response has been given in paragraph 1126.

- **Whether the principle of extraterritoriality has been incorporated in the legislation to criminalize the sexual exploitation of children by nationals and residents of the State party when committed in other countries**

1251. Article 9 of the Criminal Code states:

> "1. Paraguay's criminal law shall apply to the other acts committed abroad only when:
>
> (1) The act is punishable under the criminal law in the place where it is committed;
>
> (2) At the time of the commission of the act the perpetrator:
>
> (a) Possessed Paraguayan nationality or acquired it after the commission of the act;
>
> (b) Lacking nationality, he was in the national territory and his extradition was refused even though, by virtue of the nature of the act, extradition was legally admissible.
>
> The provision contained in this subparagraph shall also apply when no criminal jurisdiction existed in the place where the act was committed.

2. The provisions of article 5.2 shall also apply in this respect ["If the penalty changes during the commission of the punishable act the law applicable at the time of the termination of the act shall apply"].

3. The penalty may not be heavier than the one established in the current legislation of the place where the act is committed".

- **Whether special units of law enforcement officials and police liaison officers have been appointed to deal with children who have been sexually exploited or abused, and whether appropriate training has been provided to them**

1252. As pointed out earlier, the juvenile magistrates and procurators are responsible for carrying out night patrols in order to capture children subjected to sexual exploitation in places of this type. This work is done with the support of specially trained police officers. But the operations are directed by the magistrates and procurators.

- **Relevant bilateral, regional and multilateral agreements concluded or to which the State party may have acceded to foster the prevention of all forms of sexual abuse and exploitation and to ensure the effective protection of child victims, including in the areas of judicial cooperation and cooperation among law enforcement officials**

1253. Paraguay ratified to the Inter-American Convention on International Traffic in Minors, adopted on 18 March 1994 in Mexico City. It deposited the instrument of ratification on 18 May 1998.

- **Relevant programmes of technical cooperation and international assistance developed with United Nations bodies and other international organizations, as well as with other competent bodies, including INTERPOL, and non-governmental organizations**

1254. No such programmes are known.

- **Relevant activities and programmes developed, including of a multidisciplinary nature, to ensure the recovery and reintegration of the child victim of sexual exploitation or abuse, in the light of article 39 of the Convention**

1255. These activities are the responsibility of the Department for Assistance to Victims of Crime.

- **The measures adopted to ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible;**

- **Relevant disaggregated data on the children concerned by the implementation of article 34, including by age, gender, region, rural/urban area, and national, social and ethnic origin. Such data should include the number of cases in which a child was used in drug trafficking during the reporting period; the minimum penalty in the law for using children in drug trafficking; and the number of cases of commercial sexual exploitation, sexual abuse, sale of children, abduction of children and violence against children reported during this period**

1256. Responses on narcotic drugs and sexual exploitation or abuse have been given throughout this report.

- **The progress achieved in the implementation of article 34, difficulties encountered and targets set**

1257. The progress consists of the achievements of the juvenile magistrates and procurators in their preventive judicial and police work in brothels and "pick-up joints" to detect the presence of children, rescue them and arrest the guilty parties. This is where the main difficulty lies. If the children concerned have parents or other persons legally responsible for them, they are summoned to a meeting at which their children are delivered into their care with recommendations for future conduct. But the situation is different for children without families, for the persons responsible for their sexual exploitation usually make a cash arrangement with the police for them to be released from custody together with the children; no details are entered in the record or the record is made to disappear. These persons thus go unpunished and tighten their grip on their victims, who instead of being set free must continue to furnish their services.

4. Sale, trafficking and abduction (art. 35)

160. Please provide information on all measures adopted, including of a legislative, administrative, educational and budgetary nature, at the national, bilateral and multilateral levels, to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

1258. Article 223 of the new Criminal Code states with respect to trafficking in minors:

> "1. Anyone who exploits the poverty, frivolity or inexperience of the holder of parental authority by offering money and thus secures the surrender of a child for adoption or placement in a family shall be sentenced to deprivation of liberty for up to five years. The same sentence shall be imposed on anyone involved in receiving the child.
>
> 2. If the guilty party:
>
> (1) Circumvents the legal procedures for adoption or family placement,
>
> (2) Acts in order to obtain financial gain, or
>
> (3) By his conduct exposes a child to the risk of sexual exploitation or exploitation of his labour,
>
> The sentence shall be increased to deprivation of freedom for up to 10 years".

1259. Article 126 states with respect to abduction:

> "1. Anyone who, in order to obtain for himself or for some other party a ransom or other improper benefit, deprives a person of his liberty shall be sentenced to deprivation of liberty for up to eight years.
>
> 2. Anyone who, in order to obtain for himself of for some other party a ransom or other improper benefit, and with the intention of causing suffering to the victim or a third party, deprives a person of his liberty or uses for the same purpose such a situation created by somebody else, shall be sentenced to deprivation of liberty for up to 10 years.

> 3. If the perpetrator renounces the claimed benefit and sets the victim free in his local area, the sentence may be reduced in accordance with article 67. If the victim returns to his local area by other means, it shall be sufficient for the purposes of this sentence reduction for the perpetrator to have made a serious voluntary attempt to accomplish the victim's return".

1260. Article 129 states with respect to traffic in persons:

> "1. Anyone who by means of force, threat of considerable harm, or deception conveys another person from the national territory or brings another person into the national territory and, exploiting that person's vulnerability, leads him or her into prostitution shall be sentenced to deprivation of liberty for up to six years.
>
> 2. If the perpetrator acts commercially or as a member of a gang formed for the commission of acts referred to in the preceding paragraph, he shall be subject to the provisions of articles 57 and 91, which state that a fine shall be imposed in addition to a sentence of imprisonment".

161. In this regard, reports should indicate inter alia:

- **The legislation adopted to ensure effective protection of children against abduction, sale and trafficking, including through the consideration of these acts as criminal offences**

1261. This legislation was mentioned in the preceding section.

- **Awareness and information campaigns to prevent their occurrence, including campaigns undertaken in cooperation with the media**

1262. No such campaigns have been carried out.

- **The allocation of appropriate resources for the development and implementation of relevant policies and programmes**

1263. No resources are allocated for this purpose.

- **Any national strategy developed to prevent and suppress such acts;**
- **Any coordinating and monitoring mechanism established for that purpose**

1264. Where national strategy and coordinating and monitoring mechanisms are concerned, the juvenile magistrates and procurators monitor night places such as brothels and "pick-up joints" in order to find and rescue children exploited sexually in the white slave trade. They also visit children's shelters in order to obtain possible reports of trafficking in children.

1265. In such cases, a decision is taken to return the children to their parents or to place them in a children's home or with a foster family, as appropriate. Sanctions are imposed on the persons legally responsible for them, with all the consequences mentioned under guideline 149 (progress and difficulties).

- **The relevant indicators identified and used**

1266. The available statistics are given below.

1267. In 1995 the Juvenile Complaints Office received one report of the sale of a baby and four reports of the theft of a baby.

1268. The raids carried out by the Judicial Investigation Centre resulted in four cases of theft of babies in 1996 and 13 cases of rescue of children in a situation of danger in 1995 and two in 1996, as well as two cases of trafficking in babies. Four cases of trafficking in babies were investigated in 1995.

- **Whether special units have been created among law enforcement officials to deal with these acts**

1269. As already explained, all the interventions by magistrates and procurators are carried out by police officers supervised by the magistrates and procurators.

- **Relevant training activities provided to the competent authorities**

1270. The Attorney-General's Office organizes regular training course for juvenile magistrates and procurators and the police. The training courses are mentioned in paragraphs 310 to 314 above.

- **Structures and programmes developed to provide support services to the children concerned and to promote their physical and psychological recovery and social reintegration, in the light of article 39**

1271. There are no structures and programmes to provide such support services.

- **The measures adopted to ensure that in the implementation of article 35 due consideration is taken of other provisions of the Convention, including in the areas of civil rights, particularly in relation to the preservation of the identity of the child, adoption and prevention of any form of exploitation of children, including child labour and sexual exploitation**

1272. These matters have been discussed in the relevant sections.

- **The measures adopted to ensure respect for the general principles of the Convention, including non-discrimination, the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible.**

1273. There are no measures in this area other than the ones already mentioned in the report.

162. Reports should also indicate the relevant bilateral and multilateral agreements concluded by the State party, or to which it may have acceded, to prevent the sale and abduction of and trafficking in children, including in the areas of international cooperation between judicial authorities and law enforcement officials, inter alia on any existing system of collection and

1274. The Government ratified the Inter-American Convention on International Traffic in Minors, adopted in Mexico City on 18 March 1994 at the fifth Inter-American Specialized Conference on Private International Law.

1275 When depositing the instrument of ratification with the Secretary-General of OAS on 18 May 1998 the Ambassador of Paraguay stated that the Convention was designed to protect the basic rights and best interests of the child, and that it was considered to be of vital importance since it sought to prevent and sanction the international traffic in minors and regulate civil and criminal procedures relating to the movement of children.

1276. The Ambassador continued: "This Convention is a very important contribution to fundamental human rights regardless of age, race or sex". This information was taken from a press report which appeared in June 1998.

5. Other forms of exploitation (art. 36)

163. Please provide information on all measures adopted, including of a legislative, administrative, educational, budgetary and social nature, to protect the child against all forms of exploitation prejudicial to any aspects of his or her welfare.

1277. There are no forms of exploitation other than the ones described in the preceding section. No replies are therefore given on the subsequent points.

164. Reports should also indicate, inter alia:

- **The prevalence of any form of exploitation prejudicial to the child's welfare;**
- **Awareness and information campaigns launched, including for children, families and the public at large, as well as the involvement of the media;**
- **Training activities developed for professional groups working with and for children;**
- **Any national strategy developed to ensure protection to the child and the targets set for the future;**
- **Any mechanism established to monitor the situation of the child, the progress achieved in the implementation of this article and any difficulties encountered;**
- **The relevant indicators used;**
- **Measures adopted to ensure the physical and psychological recovery, as well as the social reintegration, of the child victim of exploitation prejudicial to any aspects of his or her welfare;**
- **Relevant measures adopted to ensure respect for the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child, the right to life and survival and development to the maximum extent possible;**
- **The measures adopted to ensure that the implementation of this article takes into due consideration other relevant provisions of the Convention;**
- **Relevant disaggregated data on the children concerned by the implementation of this article, including by age, gender, region, rural/urban area, and national, social and ethnic origin.**

1278. Replies on these points have been given throughout the report.

D. Children belonging to a minority or an indigenous group (article 30)

165. Please provide information on the measures adopted, including at the legislative, administrative, educational, budgetary and social levels, to ensure that a child belonging to an ethnic, religious or linguistic minority or who is indigenous is not denied the right, in community with other members of his or her group:

- **To enjoy his or her culture;**
- **To profess and practise his or her own religion;**
- **To use his or her own language.**

1279. Articles 62 to 67 of the Constitution state:

> "This Constitution recognizes the existence of indigenous peoples, defined as groups having a culture anterior to the formation and organization of the State of Paraguay.
>
> The right of the indigenous peoples to preserve and develop their ethnic identity in their own lands shall be recognized and guaranteed. They shall also have the right to apply freely their systems of political, social, economic, cultural and religious organization and to apply a system of voluntary compliance with their customary laws for the regulation of their internal relations with each other, provided that such laws do not encroach on the fundamental rights established in this Constitution. Customary indigenous law shall be taken into account in jurisdictional conflicts.
>
> The indigenous peoples have a right to common ownership of land, of sufficient area and quality for the conservation and development of their own styles of living. The State shall provide them with such land free of charge, and the land shall not be subject to distraint, division, transfer or assignation, nor may it be used to guarantee contractual obligations or let out for rent; this land shall also be free of taxes. The removal or transfer of the habitat of indigenous peoples without their express consent is prohibited.
>
> The indigenous peoples shall be guaranteed the right to participate in the country's economic, social, political and cultural life, in accordance with their customary practices, this Constitution and national law.
>
> The State shall respect the cultural characteristics of the indigenous peoples, especially with respect to formal education. It shall also protect them against demographic regression, depredation of their habitat, environmental pollution, economic exploitation and cultural alienation.
>
> Members of the indigenous peoples are exempted from the performance of social, civil and military service and from holding the public offices established by law".

1280. Attention is drawn to the historical fact that indigenous leaders were present as observers at the Constituent Assembly in 1992 and that they presented and argued for proposals concerning the defence of their culture and habitat in the working committees.

1281. One point to be borne in mind in connection with promotion and development programmes is the language spoken in the home. Most of the non-indigenous population uses a combination of Spanish and Guaraní (50%) or Guaraní alone (39%), while most of the indigenous population uses ethnic languages (60%) or Guaraní (38%). The information, education and communication programmes written in Guaraní are therefore accessible to only a third of the indigenous population.

166. In this regard, reports should also indicate inter alia:

- **The ethnic, religious or linguistic minorities or indigenous groups existing within the State party's jurisdiction**

1282. Paraguay currently has 17 indigenous races making up five linguistic groups; they are distributed as follows:

(a) The Tupí Guaraní family, to which all the Guaraní Indians of the eastern region belong: the Mbya Guaraní, Paí Tavyterá, Avá Chiripá and Axe Guayakí ethnic groups. These groups are found from the north to the south of the eastern region. The departments of San Pedro, Amambay, Alto Paraná, Canindeyú, Caaguazú and Itapúa have the largest numbers of Guaraní communities. The Chiriguanos and the Guaraní Ñandeva are found in the Chaco. These groups currently live in the northern Chaco in the area of Mariscal Estigarribia;

(b) The Zamuco linguistic family: the Ayoreos currently live in the central Chaco and Alto Paraná although their traditional habitat was in the northern part of the Chaco and territory now belonging to Bolivia on the frontier with Paraguay;

(c) The Mataco Mataguayo linguistic family, represented by the Nivaklé, the Maká and the Manjuy. The Nivaklé are found in the central Chaco, along the middle Pilcomayo and in the northern Chaco. Most of the Maká live in Mariano Roque Alonso although they originated in the lower Chaco. The Majuy live mainly in the northern and central Chaco;

(d) The Guaicurú linguistic family, represented by the Toba Qom. These indigenous groups are found in the lower Chaco in two settlements a few kilometres from Benjamín Aceval;

(e) The Maskoy family, consisting of the Lengua, the Angaité, the Sanapaná, the Guaná and the Toba Maskoy. The Lengua are found in the lower and central Chaco, the Guaná in Alto Paraná and the central Chaco, and the Sanapaná in the lower and central Chaco and Alto Paraguay. The Angaité live in Alto Paraguay and the lower Chaco, and the Toba Maskoy in the central Chaco and Alto Paraguay.

(f) The numbers in each ethnic group vary considerably, from 9,501 for the Lengua and 8,026 for the Paí Tavyterá to the Guaná (84 members) and the Majuy (229) at the bottom of the range.

This information was taken from a feasibility study conducted for UNICEF by the journalist Marilyn Rehnfeldt for projects designed to improve the situation of the indigenous groups.

- **The measures adopted to ensure the preservation of the identity of the minority or indigenous group to which the child belongs**

1283. The Government adopted the following measures to safeguard the rights of indigenous peoples:

Issue of title to land occupied by indigenous peoples. Twenty-three applications for a total of 83,651 hectares were granted to communities in the eastern and western regions.

Recognition of the legal personality of eight communities and registration of 36 leaders in the Register of Indigenous Communities pursuant to Act No. 904/81.

Provision of support of food production for own consumption and improvement of health and education standards. These measures were carried out under agreements and conventions acceded to by Paraguay which call for priority to be given to the needs of tribal peoples.

Implementation of technical assistance programmes for production activities and health care in Mbya and Paí Tavyterá communities covered by the "Cuero Fresco - Concepción" projects, the projects on consolidation of rural settlements (Coronel Oviedo-Mbutuy, Concepción-Pedro Juan Caballero) and the indigenous component of the regional programme in the area of Itapúa.

International bids were invited for the implementation of the indigenous programme to mitigate environmental impacts in the areas of Guairá, Caaguazú, Canindeyú and San Pedro. The indigenous component includes regularization of landholding, reforestation, increased production activities, preventive and curative medicine, and formal and informal technical assistance.

Some 12,000 kilograms of basic foodstuffs were distributed in more than 29 locations in the lower Chaco and part of the central Chaco in order to enable the indigenous communities to establish smallholdings for production of subsistence items.

More than 30 communities benefited from the provision of basic farming tools at a cost of 16,350,370 guaranies. The National Environmental Health Service (SENASA) installed 20 wells for the benefit of 17 indigenous communities in the eastern region and 15 in the Chaco.

This information was taken from the annual report of the Executive for 1997.

- **The measures adopted to recognize and ensure the enjoyment of the rights set forth in the Convention by children belonging to a minority or who are indigenous**

1284. The Juvenile Code does not address indigenous children specifically but merely states that "All children have the right to..." in reference to the comprehensive protection to which children are entitled.

1285. Article 3 of the draft Children's Code states:

> "This Code shall apply to all children and adolescents living in Paraguayan territory without any exceptions, regardless of race, colour, sex, language, religion, political or other opinion, national origin, ethnic or social origin, economic position, physical impediments, or any other circumstance of the child or adolescent or of their parents, family members, guardians or other persons legally responsible for them".

Article 6 continues:

> "The State shall establish a special system for the administration of juvenile justice. Judicial and administrative proceedings involving children or adolescents belonging to ethnic groups or native or indigenous communities shall be governed, in addition to the principles set out in this Code, by the customs and practices of such groups or communities, provided that they do not conflict with the provisions of this Code".

1286. These are the only measures adopted to protect these rights. However, conflicts do arise in practice; they will be described under "progress and difficulties".

- **The measures adopted to prevent any form of discrimination and combat prejudice against those children, as well as those designed to ensure that they benefit from equal opportunities, including in relation to health care and education**

1287. In addition to the existing legislation, attention is drawn to the creation at the end of 1993 and to the operations of the Department for the Defence of Indigenous Peoples of the Attorney-General's Office, which is concerned with indigenous problems in general terms.

1288. This Department aims to establish and supervise compliance with the constitutional rights and safeguards of the indigenous peoples, such as the preservation and development of their ethnic identity, common ownership of land of sufficient area and quality, participation in the country's economic, social, political and cultural life, and protection against all kinds of discrimination, cultural alienation, or depredation of their habitat. It receives and processes complaints concerning any of the rights of indigenous communities. It has set up a support unit for the defence of ethnic rights based on a policy of involvement of the beneficiaries themselves. In 1996 it dealt with cases affecting members of the Mbya Guaraní, Chamacoco, Enxet, Ava Guaraní and Ayoreo ethnic groups.

- **The measures adopted to ensure respect for the general principles of the Convention, namely the best interests of the child, respect for the views of the child, the right to life, and survival and development to the maximum extent possible, as well as non-discrimination**

1289. In its Title on indigenous peoples the Constitution itself indirectly guarantees respect for these principles; this guarantee will be consolidated by the entry into force of the draft Children's Code, for this legal instrument was drafted in the light of the principles of the Convention. From that time the State will have to take measures to back up the theoretical and practical frameworks of human rights.

- **The measures adopted to ensure that in the implementation of the rights recognized in article 30 due consideration is taken of other provisions of the Convention, including in the areas of civil rights, particularly in relation to the preservation of the child's identity, family environment and alternative care (for example art. 20, para. 3 and art. 21), education and the administration of juvenile justice**

1290. In the context of the Education Reform as it relates to the education of indigenous children, in coordination with the Health Ministry and on the basis of respect for native culture, the Government is introducing education in the mother tongue in all of the country's indigenous schools; it is also distributing school materials to 33 schools in the western region and 50 in the eastern region. Indigenous children show a big deficit in school enrolment, calculated to amount to a gap of about 10 years in comparison with the urban population. The illiteracy rate is four and a half times higher among the indigenous population than among Paraguay's other rural inhabitants, and its average number of years of formal schooling is three times lower. There are also more disparities between the sexes in the indigenous population than among rural children: more females lacking any level of education, and fewer males attending primary school. Further details will be found in the statistical tables in the annexes.

1291. It will have to be seen whether the entry into force of the new Children's Code will cause due attention to be given to the personal circumstances of indigenous children and their practices and customs; no practical account is taken of this theoretical principle at present.

1292. Registry offices have been opened in indigenous settlements in various localities in an effort to safeguard the identity of indigenous children and encourage the registration of their birth; instruction is being given to the Indians themselves to act as officials of the Civil Register.

1293. Article 18 ("Errors as to legal circumstances") relates to the administration of justice for indigenous juveniles:

> "1. A person who commits an act by error or out of ignorance of a legal provision shall not be deemed to have committed a wrongful act. This shall not exclude his liability to punishment pursuant to a law which sanctions the wrongful conduct.
>
> 2. A person who, in the commission of an act, misinterprets circumstances falling within the scope of a more favourable law shall be punished for a wrongful act solely in accordance with that law".

1294. Article 26 of the new Code of Criminal Procedure states:

> "A public action shall likewise be discontinued in the case of wrongful acts affecting the legal property of an indigenous community or the personal property of one of its members, and both the accused and the victims or, where appropriate, their family members shall accept the manner in which the community resolves the dispute in accordance with its own customary law.

1295. In such cases any member of the indigenous community may apply for a declaration of discontinuation of the public action before a justice of the peace.

1296. The justice of the peace shall summon the victim or his family members, the accused, a representative of the Public Prosecutor, and the legal representatives of the community designated by the victim and the accused to an oral hearing within three days of the submission of the application, in order to ascertain whether the requirements of this article and the National Constitution have been satisfied".

1297. Furthermore, Title VI establishes the procedure in respect of wrongful acts affecting indigenous peoples:

> "Article 432. If the accused is a member of and resides permanently in an indigenous community or if the community or one of its resident members is the victim of a wrongful act, the rules set out in this Title shall apply.
>
> Article 433. The preliminary proceedings shall be governed by the common provisions with the following modifications:
>
> (1) It shall be mandatory for the investigation to be conducted with the assistance of a consultant specializing in indigenous affairs;
>
> (2) In connection with orders of pre-trial detention, when assessing the appropriateness of such a measure the judge, at the request of the defence, shall call for an expert report on the living conditions of the accused in prison, taking into account his cultural characteristics, and if necessary the judge shall formulate recommendations to prevent cultural alienation.

(3) The investigation shall be supervised by the judge in ordinary proceedings, and before ruling on any essential point he must hear the opinion of an expert.

"Article 434. The following rules shall apply during the intermediate stage of the proceedings:

(1) Once the preliminary proceedings have been completed, the judge shall summon the Public Prosecutor, the accused and the victim to a hearing, together with any members of the community designated by either of the two parties, in order that, having been advised by the expert in the case, they may formulate a common agreement on the mode of reparation, which may include any measure authorized by this Code or any of the measures accepted by the culture of the ethnic group, with a view to bringing the proceedings to a conclusion, provided that the said agreement does not infringe the fundamental rights established in the Constitution and in current international law.

(2) If the parties reach an agreement of their own accord, the judge shall approve it and terminate the proceedings, having specified with absolute precision the rights and obligations of the parties and the maximum time-limit for the notification of any legal defect; if no such defect is notified before the expiry of the time-limit, the public action shall be declared discontinued.

(3) If the parties do not reach an agreement by common accord or if the agreement is not fulfilled, the case shall be continued in ordinary proceedings.

(4) The discontinuation of a public action is not subject to appeal.

(5) The statements of the accused during the hearing and his readiness to reach an agreement shall not interpreted as an indication of his guilt or an admission of the facts.

Article 435. Trials shall be held in accordance with the rules governing ordinary proceedings, with the following modifications:

(1) It shall be mandatory for a new expert to be appointed.

(2) Provided that such a move does not impair the principles and safeguards contained in the Constitution, current international law and this Code, the court may by a reasoned decision make changes in the procedure in order to take account of the cultural characteristics of the accused's ethnic group; such changes shall be communicated to the parties sufficiently well in advance.

(3) Before the sentence is handed down the expert shall deliver a final report, which shall be assessed according to the common rules; the expert may speak during the judges' deliberations but shall not have a vote.

(4) The court's decision shall state expressly the customary law applied or invoked in the proceedings with regard both to the resolution of the case and to the procedural changes and it shall include an assessment of their significance and scope.

Article 436. Decisions of the judges or the court shall not be subject to challenge by means of ordinary proceedings.

Article 437. If the sentence is one of deprivation of liberty for a period of less than two years, any legal representative of a community of the accused's ethnic group may propose to the enforcement judge an alternative manner of enforcing the sentence in order to comply more effectively with the purposes of the Constitution and secure fuller respect for cultural identity.

The judge shall rule on this point in a hearing attended by the convicted person, the victim and the Public Prosecutor.

If the proposal is accepted, arrangements shall be made for enforcement of the sentence.

Article 438. Following an examination of the merits of the candidates, the Supreme Court of Justice shall draw up a list of experts in the various indigenous cultures, preferably anthropologists. This list shall be communicated to the judges and the Public Prosecutor".

1298. According to the study made for the Department of Criminal Policy and Criminology by Gloria Franco Pérez, three of the 87 juvenile detainees (3.4%) were Indians (sex not specified) who did not have the services of an interpreter when making their statements even though they did not speak Spanish; two such juveniles did have interpreters.

- **Relevant disaggregated data on the children concerned, including by age, gender, language, religion, and social and ethnic origin**

1299. These data will be found in the annexes.

- **The progress achieved and the difficulties encountered in the implementation of this article, as well as any targets set for the future.**

1300. The national reality is manifest indeed: little or nothing is being done for the indigenous peoples or in defence of their rights. The State and the institutions which it has created for these purposes will have to join forces in the formulation of policies and programmes. Only actions can demonstrate the existence of a firm political will, for no amount of theory serves any purpose unless matched by a corresponding amount of practical action.

1301. Children are now losing their moral as well as their cultural values because they have no real possibility of securing a decent life. Very large numbers of adult Indians give themselves up to drink, yet they are the persons bearing the main responsibility for transmitting to their children the traditions, culture and values that pass from generation to generation. With such an attitude to life, what kind of example are adults setting for children?

1302. Another problem is the epidemic of suicide by hanging which broke out some 10 years ago in the Paí Tavyterá people among children and young people in the 8-25 age range. Their suicide rate is generally five to six times higher than that of any industrialized country. The causes suggested are very uncertain: there may be widespread depression resulting from their material deficits - principally the loss of humane conditions in their natural habitat, economic problems, low self-esteem, etc.

1303. One point to the Government's credit is its restitution of land to indigenous peoples.

1304. On 17 March 1998 the National Indigenous Institute acquired an area of 21,884 hectares, including 4,400 square metres in the Pozo Colorado-Santa Juanita district, and transferred the title by public instrument to the Lamenxay and Kayleyhapopyet communities, both belonging to the Enxet Sanapaná people.
